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COMMISSION OF INQUIRY INTO THE  
USE OF DRUGS AND BANNED PRACTICES  
INTENDED TO INCREASE ATHLETIC PERFORMANCE

B E F O R E:

THE HONOURABLE MR. JUSTICE CHARLES LEONARD DUBIN

HEARING HELD AT 1235 BAY STREET,  
2nd FLOOR, TORONTO, ONTARIO,  
ON WEDNESDAY, APRIL 5, 1989

VOLUME 33



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(i)


C O U N S E L:

ROBERT ARMSTRONG, Q.C. MS. K. CHOWN	on behalf of the Commission
R. McMURTRY A. PRATT	on behalf of Charles Francis
E. FUTERMAN	on behalf of Ben Johnson
MR. SOOKRAM	on behalf of Dr. M. G. Astaphan
THOMAS C. BARBER	on behalf of the Sport Medicine Council of Canada
A. PREFONTAINE	on behalf of the Government of Canada
J. PORTER	on behalf of the College of Physicians and Surgeons of Ontario
ROGER BOURQUE	on behalf of the Canadian Track and Field Association
R. McCREATH, Q.C. D. MANN	on behalf of the Canadian Olympic Association
R.P. SULLIVAN	on behalf of the Scarborough Optomists Track and Field Club



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---Upon resuming

THE COMMISSIONER: Good morning. Mr. Sookram? Mr. Sookram, do you have those OHIP records. I think they were left with you last day.

MR. SOOKRAM: Yes, I have given them back.

MS. CHOWN: Yes, they're here.

THE COMMISSIONER: Thank you. May I see those, Ms. Chown, please?

MS. CHOWN: Yes.

THE COMMISSIONER: Perhaps we should mark them as an exhibit because they were referred to and not marked.

THE REGISTER: It will be 130.

---EXHIBIT NO. 130: OHIP records of Cheryl Thibedeau

THE COMMISSIONER: Yes, Mr. Sookram?

CHERYL THIBEDEAU: Recalled

MR. SOOKRAM:

Q. Good morning, Miss Thibedeau, my name is David Sookram. I represent Dr. Astaphan in these hearings.

Yesterday, you told us that after you came





to Toronto to train, you became very friendly with Mr. Francis, Miss Issajenko, Mr. Johnson and Miss Killingbeck?

A. Not right away. I mean, I knew them but I wasn't familiar with them until later on.

Q. Yes, you said -- that was in your evidence within your first half hour?

A. My first hour I said it?

Q. Yes -- no, no,

THE COMMISSIONER: What time exactly was it, 10:24?

MR. SOOKRAM: 2:50 p.m.

THE COMMISSIONER: 2:50 p.m., thank you.

THE WITNESS: Yes, I knew them.

MR. SOOKRAM:

Q. Yes. Did you -- please don't misunderstand me. Today I will not be undignified.

A. Thank you.

THE COMMISSIONER: That's comforting.

MR. SOOKRAM:

Q. Did you hang about, and I use the word with lifted comas, since you're a stranger in Toronto, obviously you'd make friends more closely with some people than others?



A. That's true.

Q. Did you hang more about with the men or with the women?

A. Well, my roommate was a female so I would have to say a female.

Q. I had no overtones. No hidden overtones in that question.

A. No, I would say women.

Q. One witness already told us that she preferred the company of the male athletes rather than the females?

A. I don't remember there being a separation but I would think females.

Q. So you spent more time with the females or half and half?

A. I suppose.

Q. All right. How friendly did you get with Miss Killingbeck?

A. With Molly?

Q. Eventually?

A. Eventually, Molly and I -- we knew each other but we don't become friendly -- really friendly, I believe, until the last past year. She wasn't directly involved with our group, therefore she wasn't around the track as often.





Q. She wasn't a member of the Mazda track team?

A. No -- I'm sorry, she wasn't a member of Charlie's specific group at that time.

Q. I see. Did she ever tell that you at one time, just before the Los Angeles Olympics in 1984, that she had a physical breakdown just about two weeks before the Olympics?

A. Did she tell me that?

Q. Yes?

A. No , sir.

Q. She didn't. Did you know that she won two medals at that 1984 Olympics?

A. Yes, I did.

Q. You did? Did she tell you who was her doctor at the time?

A. I can't remember if she specifically told me if Dr. Astaphan was her doctor. But I believe I knew that.

Q. Did she ever tell you whether or not she was on steroids?

A. No, she did not. Not at that time.

Q. Coming back to your first meeting with Dr. Astaphan, with a view to going on the steroid program?

A. Yes.



Q. You had been his patient at that time, according to your evidence, for 17 or 18 months from 1980 -- fall of '84 right on to February or March in 1986?

A. Right.

Q. Right. Yesterday, you told us that Mr. Francis probably accompanied you?

A. Yes.

Q. Since your evidence I've spoken to Dr. Astaphan and he remembers particularly that occasion because all along neither you nor he had discussed steroids?

A. Yes, I believe I said that.

Q. He will come and testify here that he remembers that particular occasion specifically when you came in with Mr. Francis for the first time to discuss steroids.

A. Okay.

Q. And yesterday you told us you couldn't remember whether or not on that occasion, when steroids were first administered, you couldn't remember whether or not he discussed -- Dr. Astaphan discussed with you side effects?

A. I said I couldn't remember, yes.

Q. Dr. Astaphan will come and tell us and I don't know if it will make any difference to you because





I'll ask you this subsequently, Dr. Astaphan will come and tell us that on that particular occasion, he discussed with you and with Mr. Francis all the side effects and the possible side effects?

A. That's interesting because I don't have any recall of that.

Q. You don't recall, but he may have done it?

A. Ye, it is possible.

Q. How long was that visit, that visit in connection with steroids. Was it longer than the usual visits or short?

A. I couldn't tell you.

Q. You couldn't tell me. See, Dr. Astaphan recalls that he spent nearly one and a half hours ---

A. Well...

Q. With you and with Mr. Francis?

A. He and Charlie liked to chat so that's possible.

Q. That's possible. And you weren't left out of the conversation, were you?

A. No, I wasn't left out.

Q. You knew full well what chances you were taking?



THE COMMISSIONER: What date are you putting that?

MR. SOOKRAM: We are in the February or March '86, sir.

THE COMMISSIONER: Thank you.

THE WITNESS: Yes.

MR. SOOKRAM:

Q. Yes. What did you know at that time about steroids?

A. Well, I knew that they would help me, they would help me train, they would help me recover. I didn't believe there would be any side effects when it was administered by a doctor and monitored by a doctor.

Q. Did you read any literature on the subject?

A. No, I did not.

Q. Did you discuss the subject of steroids with other athletes?

A. At that time, I don't believe so. I can't remember specifically.

Q. I don't mean only Canadian athletes. When you went abroad, did you discuss ---

A. Only clean? I'm sorry?

Q. I beg your pardon?



A. Only clean athletes?

THE COMMISSIONER: Was this before the meeting that you were referring with Dr. Astaphan? Was this before the first meeting where steroids were discussed with Dr. Astaphan?

MR. SOOKRAM:

Q. Yes, sir.

A. I believe I talked with Michael Sokolowski about them, just generally.

Q. I don't think the Commission is interested in names at the moment. It's just that we want to find out whether you knew sufficiently to make the decision on your own. Did you think you knew sufficiently?

A. Yes, I did.

Q. So you weren't, in essence, pushed into the steroid program by Mr. Francis?

A. No, certainly not.

Q. Or encouraged into the steroid program by Dr. Astaphan?

A. No.

Q. When you went for your shots, your steroids injections?

A. Mm-hmm.





Q. Did the doctor know in advance when you were coming?

A. Yes, he did.

Q. How did that happen?

A. I would call and make an appointment.

Q. Did you always keep your appointments?

A. Did I always keep them?

Q. Yes?

A. I was involved with school so to the best of my ability, I did.

Q. But, sometimes you didn't turn up after making appointment?

A. I'm not sure, to be honest.

Q. And sometimes you turned up a bit late?

A. Well, I was taking the bus so that's possible, too.

Q. Yes. You see, the doctor particularly remembers, because I put it to him yesterday afternoon, when you said that Dr. Astaphan had the needle prepared, when you took the injections in his office?

A. Mm-hmm.

Q. And that you never saw the bottle from which it was drawn until you went down to St. Kitts, then you saw the bottle from which he drew the substance?

A. I believe I said I couldn't remember



seeing him drawing it.

Q. You're right. I'm very grateful to you for that. Because Dr. Astaphan says it was useless to prepare a needle if the patient is going to be late or probably not turn up and it's waste of money and medicine,

A. Well, I'm not sure why he would have done that.

Q. He said that he always prepared the needle when the patient came into the room.

A. Well, then, maybe I was sitting in the reception area when he did that.

Q. Now, this question of clearance time?

A. Yes.

Q. With whom did you discuss that?

A. With Dr. Astaphan. I believe we were talking about it in reference to Utah.

Q. And had you -- had you, yourself, checked out the clearance time after you had been on a cycle?

A. Not specifically, not day-to-day. I knew I needed two weeks but that was well before the Provo games.

Q. Had you ever run at a meet and then had yourself tested after you had come off the cycle?

A. Tested?



Q. Negative?

A. No.

Q. You were never tested?

A. I don't believe I was ever tested except for the Pan American Juniors in '82.

Q. At that time you weren't on steroids. Did Dr. Astaphan ever give you any tablets, because from the notes here ---

A. No, he did not.

Q. ---I noticed you were never given any tablets?

A. Other than -- not steroid tablets, no.

MR. SOOKRAM: Thank you.

THE COMMISSIONER: Thank you. Any questions, Mr. Futerman?

MR. FUTERMAN:

Q. Morning. I represent Ben Johnson.

Miss Thibedeau, when Charlie Francis agreed to be your coach in 1984, you were flattered, you were happy because you knew you were getting probably the leading sprint coach in Canada at that time?

A. Yes.

Q. And even though the decision to use steroids was yours, is it not fair to say that during the period of time that Charlie Francis was your coach, up





until the time you made the decision, that he told you from time-to-time that in order for you to reach the highest levels of competitive sport, be one of the best, that you would have to some day use steroids because everybody at that level was?

A. Not me personally, no. He would make a general comment that sprinters would have but not directed at me.

Q. All right. But, he would make the statement when you were there?

A. Yes.

Q. And that statement was repeated many times?

A. Yes.

Q. At any time, and perhaps I did not hear this evidence yesterday, did Mr. Francis tell you about any of the side effects, possible side effects of the use of steroids?

A. No. He believed if it was done correctly by a doctor, there could be none.

Q. There could be none. Even -- did he talk about whether it was a small dosages or large dosages?

A. Well, he would -- in small dosage.

Q. All right. Now, is it fair to say, as



well, that you had a deep trust for Mr. Francis, as a coach, and that you trusted his judgment during the period of time that he was your coach?

A. Yes, I did. But I certainly disagreed with him here and there.

Q. All right. And you also had a deep trust for the doctor?

A. That's true.

MR. FUTERMAN: Thank you.

THE COMMISSIONER: Thank you. Any re-examination?

MS. CHOWN: No thank you, Mr. Commissioner.

THE COMMISSIONER: All right. Thank you. Thank you very much for your assistance, Miss Thibedeau.

MS. CHOWN: Mr. Commissioner, our next witness is Andrew Mowatt.

THE COMMISSIONER: All right. Then we will take five minutes then to get set up for the next witness.

MS. CHOWN: All right.

THE COMMISSIONER: Five minutes.

---Short Adjournment



--- Upon resuming.

MS. CHOWN: Thank you, Mr. Commissioner.  
Our next witness is Mr. Andrew Mowatt.

5 ANDREW AUSTIN MOWATT: Sworn

THE COMMISSIONER: Sworn, yes.

--- EXAMINATION BY MS. CHOWN:

10 THE COMMISSIONER: Mr. Mowatt. Okay, all  
right. Thank you, gentlemen.

Thank you, Ms. Chown.

MS. CHOWN:

15 Q. Yes. Mr. Mowatt, I understand that you  
currently live in Hamilton?

A. Yes.

Q. You were born in Jamaica in 1964?

A. Yes.

20 Q. You came to Canada with your family in  
1970?

A. Yes.

Q. How many people are there in your  
family?

25 A. Five.





Q. All right.

THE COMMISSIONER: Where do you live in  
Hamilton, it's my home town. I am always interested in --

THE WITNESS: On the mountain.

5 THE COMMISSIONER: On the mountain.

MS. CHOWN:

Q. And, I am sorry, when you first came to  
Canada, you didn't go directly to Hamilton, your family  
10 lived in Hagersville?

A. Yes.

THE COMMISSIONER: When did you see the  
light?

MR. ARMSTRONG: When you left.

15 MS. CHOWN: It took him awhile, Mr.  
Commissioner, he evidently was in Hagersville between 1970  
and 1982.

THE WITNESS: There is no light in  
Hagersville.

20

MS. CHOWN:

Q. So, you moved with your family to  
Hamilton in 1982?

A. Yes.

25 Q. And you went to high school in Hamilton



at both Sir Allan McNabb and South Mount High School?

A. Yes.

Q. And continuing with your educational background, after getting your grade 13 in 1984, you  
5 attended university in the United States. And where was that?

A. The University of Ohio.

Q. All right. What was your program of studies?

10 A. It was general, a little bit of marketing, but the first year basically general.

Q. I understand that you attended the University of Ohio on and full track scholarship?

A. Yes.

15 Q. How did you pick the University of Ohio?

A. It was close to home, and there was a couple of other Canadians that were down there that I met the year before when I was in high school.

20 Q. However, you only spent one year at the University of Ohio and decided in the spring of 1985 to return to Canada?

A. Yes.

Q. Turning to your track and career field  
25 Mr. Mowatt, I understand you started running at about the



tender age of seven or eight years old?

A. Yes, in public school, just field days.

Q. All right. And competing in all sorts of events?

5 A. Yes, everything.

Q. But by high school you had focussed particularly on sprints and jumps?

A. Yes.

10 Q. You competed for Hagersville High between grades 9 and 11?

A. Yes.

Q. And as well for your high schools in Hamilton in grade 12 and grade 13?

A. Yes.

15 Q. Am I correct in understanding that by grade 13 you had been channeled into the 100 meters as your event?

A. Yes.

20 Q. And that is the event that you have continued to participate in up to the present?

A. Yes.

Q. You first became a member of a track and field club when you were in grade 12 in 1983-84; what club was that?

25 A. The Hamilton Olympic Club.





Q. And I understand that notwithstanding some media reports, that is the club that you have always been associated with and are associated with today?

5 A. Yes. There's been a lot of reports that I was a part of the Mazda Track and Field Club, but I was never like officially a part of the club. I never joined the club, never paid any fees, never was entered in any track meets as Mazda Optimist, that was the Hamilton Olympic Club.

10 Q. Now, we will hear a bit later that in fact you were coached by Mr. Francis for a period of time. And I take it that's during that period of time people believed that you had become a member of the Scarborough Optimists or the Mazda Club?

15 A. Yes, for the four or five months that I was with Charlie, we talked about me staying as a Hamilton Olympic Club athlete and keeping the name of like my original coach as my original coach and that he would just help me out as far as sprinting goes, but as far as being  
20 a member of the team and like signing any registration forms with him as my -- Charlie as my coach no, never.

Q. In fact, your coach at the Hamilton Olympic Club was Mr. Pat Moore?

A. Yes.

25 Q. Is he is still your coach today?



A. Yes.

Q. And with respect to your competitive history, I understand that in 1983 when you were in grade 12, you placed fourth in the Ontario Federation of Secondary Schools Association meet in the 100 meters?

5

A. Yes.

Q. Do you recall what your time was?

A. About 11 seconds; I don't like to say that, but --

10

THE COMMISSIONER: Just under 11, it sounds better.

MS. CHOWN:

Q. You continued to compete in high school for the Hamilton Olympic Club when you were in grade 13. And I understand that you also did some competitions in the United States with the club?

15

A. Yes, mostly high school meets in the States. They had like relays in Ohio and Pennsylvania.

20

Q. And in 1984, in fact, you participated in the Olympic trials in Canada which were held in Winnipeg in the 100 meters?

A. Yes.

Q. And you placed fourth?

25

A. Yes.



Q. What was your time?

A. 10.34.

Q. Can you tell us who were the first three place finishers in that?

5 A. The '84 Olympic trials Ben was first, Tony was second, Desai was third, and I was fourth.

Q. Tony is Tony Sharpe.

A. Tony Sharpe.

10 Q. As a result of that placing, did you make it on to the Olympic team?

A. No. I should have, but Charlie picked Dave McKnight, who finished seventh. So Charlie went from the top three to the seventh-placed finisher.

15 Q. So, you did not participate in the 1984 Olympics in Los Angeles?

A. No.

Q. In fact, as we have heard, in 1984, the fall, you went down to Ohio to begin your university career?

20 A. Yes.

Q. And at that point you began to be coached by Elmer Banting at the University of Ohio?

A. Yes.

25 Q. Did you notice any difference in the training techniques between Mr. Moore and Mr. Banting?



A. Yes, when I was coming through grade 12 and 13, like I made a big jump because in '83 I ran about 11 seconds, or 10.99 or 11.01, I was always in that area. Then in '84 within that year from doing a lot of weightlifting I got -- I ran -- I went to the Olympic trials. Like I ran a lot of meets in between, but at the Olympic trials I ran 10.34 and I finished fourth. I did a lot of weights.

And then when I went down to the States, I started doing a lot of intervals and not as much weights and it didn't help me personally. It helped some of the other guys, but it wasn't for me.

Q. So, it was quite a change in the training program --

A. Yes.

Q. -- and you did not find it beneficial?

A. Right.

THE COMMISSIONER: I am sorry, who was the coach in 1984?

MR. ARMSTRONG: Elmer Banting.

THE COMMISSIONER: I see, thank you. In Toronto?

THE WITNESS: That was in the fall.

THE COMMISSIONER: Who was the coach in Canada before he went to Ohio?





MS. CHOWN: Pat Moore.

THE COMMISSIONER: I see, thank you.

MS. CHOWN:

5 Q. However, while you were at the University of Ohio, I understand that you did compete in some NCCA meets in the United States?

A. Yes.

Q. How did you perform?

10 A. Not very well.

Q. All right. And during the period that you attended the University of Ohio, did you obtain any information about the use of anabolic steroids by university sprinters and others?

15 A. No.

Q. And had you been familiar with anabolic steroids yourself from any discussions or information you had obtained in Canada prior to going to university?

A. No.

20 Q. Now, you returned to Canada after your first year at Ohio in the spring of 1985, and I understand that you resumed training in the fall of that year with Pat Moore once again in Hamilton?

A. Yes.

25 Q. And at that point you were focussing on



the 100 meters?

A. Yes.

Q. When did you first become acquainted with Mr. Francis and how did that come about?

5 A. The first time I met Charlie actually was in 1984 at a Canadian indoor meet. And I ran the 400 meters, and I set -- I set a record. I think Tony Sharpe had the record before that. And I -- Charlie came up to me. It was just before -- I guess it was about February  
10 and the Olympics were coming up. I really wasn't a candidate to even make the finals at the Olympic trials, but anyway he just introduced himself and that, you know, said I was running really well for a high school kid and stuff like that. That's the very first time that I met  
15 him.

Q. Had you heard of Mr. Francis prior to that meeting?

A. No.

Q. Had you had any contact with Mr.  
20 Francis through 1984 and '85?

A. No.

Q. I understand sometime in either late '85 or early 1986, you approached Mr. Francis?

A. Yes, I think it was in December of 1985  
25 at a track meet at York University. I asked -- I just



said that I might come up to Toronto and train there.

Q. What was your reason for wishing to move from Hamilton to Toronto for training?

5 A. Well, in 1984 I finished fourth in the Olympic trials, and I was -- I was 19, I was out of high school, and I thought at that time that I should have participated in the '84 Olympics.

I didn't know Charlie at that time in '84 -- well, I had met him once before that, but I didn't really know him. I didn't know Ben or -- I didn't know anybody, really, because I was new and I was young. And because of not knowing Charlie or him not coaching me, I figured it was a political decision that he picked a runner who I had beaten several times all year, that he coaches, Dave McKnight ahead of me.

10

15

So, talking with my coach in Hamilton, we figured to play the political game, I had to be coached by Charlie if I ever wanted to be on a team.

Q. Had you obtained or formed any opinion of Mr. Francis as a sprint coach himself?

20

A. I just noticed that his runners were -- Ben, Desai, and Tony were always winning or second or, you know, well I guess Desai wasn't at that time, I am sure, but his runners were always ahead of most everyone else in Canada.

25



Q. Was it your view at that time that Mr. Francis might be able to assist you with your own sprinting?

5 A. Yes. Like everyone knows Charlie is, you know, he is a really good track, like he is one of best track coaches in the world, but the number one reason why I went to talk to him was political reasons, because I thought I was shafted once and I thought if I was even associated with Charlie even knew him, it would never  
10 happen to me again.

Q. Mr. Mowatt, I wonder if you could slow down a little bit, I think you are speaking a little bit rapidly.

A. Sorry.

15 Q. So, you had a conversation then with Mr. Francis at the end of 1985, and indicated that you would like to come to Toronto and train with him?

A. Yes.

20 Q. And in fact, did you move to Toronto shortly thereafter?

A. Yes, I think the second week of January I went to Toronto, of 1986.

THE COMMISSIONER: That's 86 now.

25 MS. CHOWN:





Q. 1986. As you indicated earlier, you retained your membership with the Hamilton Olympic Club?

A. Yes.

Q. Now prior to joining Mr. Francis' group, and I am saying joining for the purposes of training only, had you obtained any information or heard anything about the use of anabolic steroids by Mr. Francis' athletes?

A. No.

Q. When you began to train with the group in early 1986, who was part of the group at that time?

A. Ben, Tony, Angella, Cheryl.

Q. That's Tony Sharpe and Cheryl Thibedeau?

A. Yes.

Q. Dave McKnight, was he there?

A. Yes.

Q. Molly Killingbeck?

A. Not really. I don't -- I don't think so. I didn't see her there that much.

Q. Now, I understand in the same track meet that Ms. Thibedeau broke her toe, that is in February of 1986, you were also participating in that meet?

A. Yes.

Q. And you also suffered an injury?



A. Yes. I was running the 60 meters and I hurt the -- a muscle or tendon right behind my knee.

Q. And as a result of that injury, did you have some conversation with Mr. Francis about treatment for it?

A. Near the end of the track meet he called me over and he said that he wanted to introduce me to someone. And he called me over, and he introduced me to Dr. Astaphan at that time because he told me that there was a doctor --

THE COMMISSIONER: I am sorry, was he coaching you at this stage in February of 1986.

MS. CHOWN: Mr. Francis?

THE WITNESS: Yes.

MS. CHOWN: Yes, he was.

THE COMMISSIONER: When did he start coaching? I am not sure I got that yet.

THE WITNESS A couple of weeks into January, the middle of January.

THE COMMISSIONER: 1986.

THE WITNESS: Yes.

MS. CHOWN:

Q. So would this have been the first competition that you went to after being trained by Mr.



Francis?

A. I think so.

Q. All right.

THE COMMISSIONER: I am sorry, then you had  
5 this injury and he recommended a doctor for you?

THE WITNESS: Well, he said that there was  
a doctor here to see Cheryl, because she had just -- she  
had broken her toe.

THE COMMISSIONER: I see.

10 THE WITNESS: Or said there was someone here  
to see Cheryl and then he called me over and said this is  
Dr. Astaphan, type of thing.

MS. CHOWN:

15 Q. This was right at the track?

A. Yes, this was at York University.

Q. Dr. Astaphan had come to the track to  
see Cheryl, to your understanding?

A. Yes.

20 Q. Prior to that time, had you ever heard  
of Dr. Astaphan?

A. Never.

Q. Were you aware at all of any  
association that he had with the Mazda group?

25 A. Never.



Q. And what conversation, if any, did you have with Dr. Astaphan on that occasion in early February 1986?

5 A. Well, he -- like he was feeling my leg and like prodding and seeing, trying to figure out what was wrong. And after about 15 minutes, he told me I should come to his office and get treatment.

Q. And did you in fact do so?

10 A. Yes. That meet was on I think a Saturday or a Sunday, so he told me to come in the next week. I think I went in on a Tuesday or Wednesday.

Q. I believe the date of that track meet was February 5?

A. Yes, I think it was on the weekend.

15 Q. So, you would have gone into his office at the beginning of the next week?

A. Yes.

Q. What happened when you went to his office?

20 A. I went to see the chiropractor across the hall.

Q. Was that at Dr. Astaphan's suggestion?

A. I don't remember; I think so, or either his or Charlie's. I don't remember.

25 Q. Had you ever seen this chiropractor





before?

A. No.

Q. All right. And after seeing the  
chiropractor, did you return and attend at Dr. Astaphan's  
5 office?

A. Yes.

Q. What happened on that occasion?

A. He again he was prodding with my leg  
and just trying to figure out where the injury was or what  
10 was wrong. And he kind of gave me a bit of a friction  
massage, like just rubbing it like that, and just for a  
few minutes. And then he said that if I got some shots of  
B-12, it would help my injury.

Q. Did he also take a medical history of  
15 you on that date?

THE COMMISSIONER: I am sorry, I didn't  
hear your question.

MS. CHOWN:

Q. Did he take a medical history of you on  
20 that date?

A. I can't recall; I don't know.

Q. He mentioned to you that he thought  
injections of vitamin B-12 would be of some assistance.  
25 Had you ever received injections of vitamin B-12 before?



A. No.

Q. Do you recall whether you received an injection from Dr. Astaphan of vitamin B-12 on that visit?

A. I think I did, yes.

5 Q. Now, Mr. Mowatt, we do have a copy of your OHIP records.

And Mr. Commissioner, I have provided Mr. Sookram with a copy of this summary.

THE COMMISSIONER: Okay.

10

MS. CHOWN:

Q. And that indicates that you attended at Dr. Astaphan's office for the first time in February of 1986. And this indicates actually that the first visit  
15 was February 3rd. Does that accord with your recollection?

A. That track meet was on the 5th, you said?

Q. That's my understanding.

20 A. Yes, I went after that track meet. I never went -- I never saw him before that meet.

Q. We may be mistaken on that date, but the record also indicates that you attended at his office in February on seven occasions. Do you recall returning  
25 to his office in the month of February after the visit you



have just described?

A. Yes, I went back to his office, yes.

Q. What was the purpose of your visits in February?

5 A. Well, because I had hurt my leg and he said that, you know, the vitamin B-12 shots would help me recover quicker to get back to running, I went back to his office and he gave me another shot of vitamin B-12.

10 Q. Did you see him prepare the syringe for your injection of vitamin B-12?

A. Yes.

Q. Did he draw the fluid up from a vial in his office?

A. Yes.

15 Q. What color was the fluid?

A. Red.

Q. Now, in March of '86, did you have discussions or obtain any information about use of anabolic steroids by the Scarborough Optimist group?

20 A. I didn't get any information, like any literature or anything like that, because at that time no one had ever approached me and said you should take steroids, or I had never approached Charlie or the doctor and said I want to take steroids. I never did that.

25 Q. Did you become aware of any athletes



that were coached by Mr. Francis, did you become aware that any of them were using anabolic steroids?

5 A. By then I had been there for two months and I started to hear rumours. That was the first time I started to hear rumours about some of the athletes, yes.

Q. Those were athletes that were trained by Mr. Francis?

A. Yes.

10 Q. All right. Now did you continue to attend at Dr. Astaphan's office in March of 1986?

A. Yes.

Q. And what was the purpose for your continued visits?

15 A. Well, before I went to his office I went to the chiropractor every time I went at that time, because he thought there was some alignment problem with my back. So, he like cracked me and stuff. And then usually afterwards -- there were a couple of occasions where I just went to see the chiropractor but usually  
20 afterwards I went over to see or talk to Jamie.

Q. Did you continue to receive injections from Dr. Astaphan?

A. In March?

Q. Yes.

25 A. Yes.





Q. What color were those injections?

A. As far as I can remember, the first three or four times I went there they were red. And then I went in there another day, I think it was probably still  
5 in March, but it might have been in April, I am not sure, and it changed to a white, a milky white color.

Q. All right. So, you cannot be sure today of the exact time at which the injections changed color, but you believe it was late March or April of 1986?

10 A. Yes.

Q. And can you direct your mind back to the first time that you noticed a change in the color of the fluid in the syringe?

15

20

25



Q. First of all, do you recall Dr. Astaphan preparing the syringe in front of you?

A. The times I was there, yes, he usually did. When you were coming in or--yes, sitting down.  
5 Like, he didn't do it right in front of you. Like, the first time I went and got the B12 shot, he did it kind of, like, down. He never really was up like this doing it.

Q. You are gesturing with your hands. Was Dr. Astaphan behind his desk?

10 A. Yes.

Q. Where would he obtain the vials to prepare the syringe?

A. From his drawers.

Q. The drawers in the desk he was sitting  
15 at?

A. Yes.

Q. When you say that he was sort of doing it down here, he would do it at his waist level?

A. Yes. Like, he would put them on the  
20 desk and like that. Like, near the top of the desk. Sometimes I did see him do it, yes.

Q. And do you have any memory today of the first time the colour of the fluid in the syringe changed, of him drawing up a different coloured fluid from the  
25 vial?



A. Yes.

Q. And what did the vial look like?

A. Just a little bottle.

Q. Mr. Registrar, I wonder if I might have  
5 Exhibit 117-A, please. What color was the bottle?

A. It was clear.

Q. The glass was clear?

A. Yes.

Q. Were there any labels on the bottle?

10 A. No.

Q. Did you have any discussion with Dr.  
Astaphan on that occasion about what you were receiving?

A. No.

Q. I'm showing you a vial that's been  
15 marked as Exhibit 117-A. Is that similar in appearance to  
the bottle that Dr. Astaphan used to draw up the fluid for  
your injection?

A. Yes.

Q. You say that he did not indicate to you  
20 what he was giving to you?

A. No.

Q. Did you ask him?

A. At that time, no.

Q. Were you not surprised to see that the  
25 injection appeared to have changed?



A. Well, at the time because I was still injured, the only kind of conversation that I had with him was he just told me that it was going to help my leg recover.

5 Q. Did you have any suspicions or any impression as to what it might be at that time?

A. No.

Q. Subsequent to that first injection of a milky fluid by Dr. Astaphan, did you have any discussions  
10 with Mr. Francis?

A. Not right after that, no.

Q. But at some point?

A. Yes.

Q. And what was the substance of that  
15 discussion?

A. I think it was after the second or third one that wasn't--because when I went the first time it was red, and I was informed it was B12 and then after about the second or third time when it was like that, I  
20 asked--I was getting suspicious so I asked Charlie what it was and he didn't say. He just kind of shrugged it off and grinned and said, "Don't worry, it will make you run faster."

Q. Just so we are clear with your answer,  
25 you said the second or third time the injection was "like





that," and you have indicated the bottle.

A. That milky color.

Q. You became suspicious?

A. Yes.

5 Q. Do I take it from that that you were suspicious that the injection you were receiving was not vitamin B12?

A. Yes, I was suspicious because I didn't know what it really--I didn't really know what it was.

10 Q. All right. Did you have any suspicion that it was an anabolic steroid?

A. Yes, I think by that time I started getting--I was suspicious enough to ask Charlie what it was so I didn't know what it was, but I thought, you know, it could have been. I just wanted to make sure that I  
15 knew what I was getting, type of thing.

Q. But after the first injection from Dr. Astaphan, you continued to return to his office and receive injections that were the same colour, that is a  
20 milky-white colour?

A. Yes, in total I received seven, maybe seven or eight shots in total.

Q. From Dr. Astaphan?

A. Yes, and the first times I went, the  
25 first three or four times I went, they were red.



Q. So you received seven or eight shots in total then. Four or five of those would have been of a milky-white substance?

A. Yes.

5 Q. All right. And during any of those subsequent visits to Dr. Astaphan, did he ever tell you what was in the syringe?

A. No, he didn't.

Q. Did you ever ask him?

10 A. I think after I asked Charlie, after I saw him a couple more times, I went to the chiropractor and I came back to his office. I asked him what it was but he didn't say. He just, you know, said it's for my leg. It will make your leg heal quicker.

15 Q. But by the time you had received a series of--

THE COMMISSIONER: I thought you said Mr. Francis said it will make you run faster?

20 THE WITNESS: Yes, Mr. Francis said, but Mr. Astaphan said it will help your leg heal.

MS. CHOWN:

25 Q. By the time you had received four or five of the milky-white injections, had you come to a conclusion that you were receiving anabolic steroids?



A. No, because I was never told what it was and I never asked to go on any kind of--I never once asked Charlie or the doctor or any coach ever to go on any kind of steroids, so there was never a discussion that they were going to try to put me on steroids at all.

Q. I understand that. But what was your belief as to what you were getting?

A. Actually, I had a discussion with Cheryl once in around the time that I was beginning to wonder what it was, and she I think mentioned to me that it might be growth hormone, which isn't a steroid.

Q. Now, during the spring of 1986 when you were attending at Dr. Astaphan's office for these shots, did you see other athletes from the Mazda group there?

A. Yes, I saw them going in and out, yes.

Q. And I understand on one occasion, you saw Mr. Johnson at the office?

A. Yes. Well, I saw him there several times, but yes, one particular time.

Q. But on one particular occasion, you and he were both present in Dr. Astaphan's office at the same time?

A. Yes, I think Cheryl, myself and Ben were in the office-- Or Ben came in-- while I was sitting there talking to the doctor, Ben came in.



Q. You were already in Dr. Astaphan's office and Ben joined you?

A. Yes.

Q. And what did you observe?

5 A. Ben just went over to his desk really quickly and he pulled his pants down and then I guess he got a shot and then he left. I didn't see it take place because I was sitting over there and he just came, like, right here.

10 Q. You were sitting across the desk from Dr. Astaphan and Ben moved to beside Dr. Astaphan's chair?

A. Yes.

Q. Were you able to observe the colour of the fluid in the syringe that was used to administer the injection of Mr. Johnson?

15

A. Not that I recall. No, I didn't see it.

Q. At any time during the visit you have described, did you receive any tablets from Dr. Astaphan?

20 A. No.

Q. Okay. Now, in March of 1986, I understand you accompanied members of the Mazda group to a training camp in Tallahassee, Florida?

A. Yes, that's right.

25 Q. And you were in Florida for about ten







days; is that correct?

A. Yes.

Q. Did you receive any injections while you were in Florida?

5 A. When I got to Florida-- we drove down to Florida. I drove down in a van with some other younger athletes, and when I got there, I was really stiff and my leg wasn't quite better. So as soon as I got down there, Charlie said you should go and see Angella Issajenko, and  
10 then I didn't go the first couple of nights, and he said "Well, you should go and see her. She's got stuff that will help your leg. I know it's still bothering you." And then I went into a room there and she was there. She was giving some of the athletes shots.

15 Q. Okay. And did Ms. Issajenko administer an injection to you?

A. Yes.

Q. Did you see her prepare the syringe?

A. Some of them were prepared. Yes, I  
20 think she did right there, yes.

Q. What was the colour of the fluid in the syringe that she used to administer to you?

A. It was that colour there, white.

Q. Did you see the vial from which she  
25 took the fluid?



A. Yes.

Q. And what did it look like?

A. It was like that.

Q. Like that. You are indicating Exhibit

5 117-A?

A. Yes.

Q. Was there any label on the vial?

A. No.

Q. Clear glass containing a milky-white

10 fluid?

A. Yes.

Q. What was your assumption as to what you  
were receiving from Ms. Issajenko?

A. Well, at that time I hadn't approached  
15 Charlie or anything to say anything to him about it. It  
wasn't until, I don't know, after. I think we came home  
that I approached him the first time that we already  
talked about it, so, no, I didn't say anything to Angella.

Q. Did you observe Ms. Issajenko inject  
20 other athletes?

A. Yes, before I left I think she injected  
Tony Sharpe and Cheryl.

Q. Cheryl Thibedeau?

A. Yes.

25 Q. Now, after you returned from



Tallahassee in late March 1986, did you return to Dr. Astaphan's office for further injections?

A. This was in-- pardon me?

Q. After you returned from Tallahassee  
5 which would be sometime in late March 1986?

A. Yes.

Q. And did you receive injections from Dr. Astaphan?

A. After I came back from Tallahassee?

10 Q. Yes.

A. Yes, I think there was a couple afterwards, and then I stopped going period. I stopped going to see him for that. Like, the next few times I went in, he just looked at my leg and said it was getting  
15 better, type of thing.

Q. So you continued to see Dr. Astaphan as your family physician, but after receiving a few more shots which would have been sometime in early April or May, you stopped receiving any injections from him?

20 A. Yes.

Q. And why was that?

A. Well, because I was never told what it was, and I had begun to think that it was either growth hormone, which I discussed once with Cheryl, or it was  
25 anabolic steroids, and I didn't want any part of them. So



when I went back to see him, I never did take any shots.

Q. Did you have any discussions with Dr. Astaphan about whether you would or would not continue?

5 A. No, I just said -- as far as I can remember, I said to him like, if I was in there, and usually when I went in, he would twist my knee and make sure I was okay. And I just said my leg's okay now, I can run okay now, I don't need anything at all. I don't need any shots.

10 Q. So was that the last time then that you ever received any injections from Dr. Astaphan?

A. No, there was one other occasion and that was at the national championships. They were the Commonwealth Games' trials that year in late June or  
15 August of '86.

Q. Late June or July?

A. No, late July or August, excuse me.

Q. And when you were at the nationals, did you receive an injection from Dr. Astaphan?

20 A. When I was at the nationals, I -- actually in June I hurt my leg again in June, and then the nationals were I think in late July or early August, and I went to the nationals. I usually run the 100 metre dash, but I had to run the 400 metres because my leg couldn't  
25 handle the pressure of running the 100. It's so much more







explosive, so I went in the 400 and after about 200 metres, it began to tear away so, like, I came around and I finished kind of half walking. I went up to my room I think that night or the next day. I think it was that  
5 night after the race, and he came into the room and he asked me how my leg was and I said it's not very good at all. At that time I hadn't made the Commonwealth Games team, and they were all getting ready to leave, the people that had qualified, and I wanted to run some more races in  
10 Canada to get some more money from the OTFA, the carding system in the Ontario Track and Field Association. So he started to give me another shot and he looked at me and he shook his head and said, "Don't worry. It's just for your leg." So at that time I received a shot from him.

15 Q. And what was the colour of the fluid in the syringe?

A. I didn't see it. I was laying in bed actually. Like, I was laying down when he came in.

20 Q. Now, returning for a moment to the spring of 1986, did you from time to time go over to Mr. Francis' apartment?

A. Yes, because I lived in the building, like, next to his building so I was over there, yes.

25 Q. And I understand on one occasion for some reason you were alone in Mr. Francis' apartment



watching television?

A. Yes.

Q. Where was Mr. Francis?

5 A. I don't remember. I think he was just out--I think he was at a track meet for a weekend or something or he was just out. I don't remember where he was.

Q. And did Mr. Johnson arrive at Mr. Francis' apartment?

10 A. Yes. He came, like, periodically from time to time.

Q. All right, and on that occasion which you cannot be precise about the date, but sometime in the spring of 1986, did Mr. Johnson arrive when you were alone  
15 in the apartment?

A. Yes.

Q. Can you tell me what happened?

A. I was watching TV, Ben came in and he just kind of walk around a little bit and he asked me--I  
20 think he asked me where Charlie was.

Q. Did you know Mr. Johnson fairly well at that point?

A. Yes--well, I had known him for I guess three months. This was in March or April so I guess I had  
25 known him for January, February, March. Not super well,



but well enough to know that he was--at that point in '86, he was on the verge of being the best and I was still, like, just running and watching him. So I admired him, yes. I admired him quite a bit.

5                           Q.    And he came in and asked you where Mr. Francis was?

A.    Yes.

Q.    And then what took place?

A.    Actually, before Charlie left, he told  
10   me in his drawer there were vials. Yes, there were  
bottles of--he didn't say what it was, he just said there  
was lots of bottles and there was lots of needles in his  
room if I needed them.

15

20

25



Q. Now, was that something that Mr. Francis told you that day?

A. No, it was before he left. I think he was gone to a track meet and he told me that if I needed anything, they were in his drawing, in his office.

Q. What did you understand that he was referring to when he said that there was ---

A. He didn't say.

Q. And did you form ---

A. He -- like, he didn't tell me...(indicating)...no.

THE COMMISSIONER: You said -- you pointed to the bottle. You understood it was something like those bottles.

THE WITNESS: Yes, it was like that.

THE COMMISSIONER: Right.

MS. CHOWN:

Q. Can you continue with the conversation you had with Mr. Johnson?

A. Then Ben said, 'Can you give me a shot?' And I said -- the first thing I said was, 'No, I really don't know how to do it.'

Q. Had you ever given anyone an injection?

A. No. And he said it's simple, it's easy





and he goes, 'I'll give you a shot if you give me a shot.'  
And I said 'No, I don't want a shot.' And then he said,  
'I'll pay you if you give me a shot.' And I said, 'No, I  
don't want to be paid or I don't want to give you a shot.'  
5 And then he left -- sorry?

Q. Sorry, Can I just stop you there? Did  
he tell what you he wanted a shot of?

A. No.

Q. All right.

10 A. And then he left.

THE COMMISSIONER: Was there any reference  
to the drawers -- was there any reference to what was in  
the drawers?

15 THE WITNESS: No. I assume he knew that  
they were there.

THE COMMISSIONER: I see.

20 THE WITNESS: He didn't ask me where  
anything was because before Charlie left he told me where  
they were but -- he said if I needed them, but I told  
Charlie I didn't need them.

MS. CHOWN:

Q. So, Mr. Johnson then left the  
apartment?

25 A. Yes, for about 15 minutes.



Q. Do you know where he went?

A. No.

Q. You stayed ---

Q. Well, he said he wanted to pay me, so I  
5 assume he left to get money, but I don't know.

Q. Was to pay you for giving him a shot?

A. Right.

Q. Right. Left the apartment, you stayed  
there and continued to watch TV?

10 A. Yes.

Q. You returned in about 15 minutes?

A. Yes.

Q. And then what happened?

A. And then he said, 'Come on, come on,  
15 come on in the room.' And then I went in the room ---

Q. Let me just stop you there. What room  
are we talking about now?

A. One of Charlie's rooms.

Q. Were you in the living-room?

20 A. Yes, I was watching TV. Like, it was  
an office-type room with a desk like this.

Q. Where were the drugs or the vials and  
the syringes kept that Mr. Francis told you about?

A. In one of the drawers, like the top  
25 drawer.



Q. But what room were they kept?

A. The office room. It wasn't a bedroom, it was just a room he had, a desk and, like, papers.

5 Q. And is the room that Mr. Johnson took you into, the room that the syringes and the vials were kept in?

A. Yes.

Q. And then what happened?

10 A. He started saying, 'Come on, I need a shot.' Like, be a friend, type thing. What else did he say. He just said it was simple and he just sowed me what to do. He said, 'Just do this.'.

15 Like, he offered me money and stuff but, you know, I didn't want to -- at first, I wasn't even going to do it and then he -- I didn't want any money or anything but he just said, do this, do that.

Q. All right. And when he said, 'Do this, do that', did he, in fact, take out a syringe and some vials from the supplies kept by Mr. Francis?

20 A. Well, actually Ben went in the room just before -- like, he went in the room for a couple of minutes before I came in. And then he said, 'Come on, come here'. Like, he said, 'Come on in here' type of thing.

25 Q. And when you went in, did you see



anything?

A. Yes, there was syringes and there was a bottle like this....(indicating).

5 Q. Like this, you're pointing to Exhibit 117-A?

A. Yes. And it was on the desk.

Q. Right. And was there anything in the syringe?

A. Yes, this....(indicating).

10 Q. This, you're pointing to again to Exhibit 117-A?

A. Exhibit 117, yes.

15 Q. Was there some some milky white fluid then, similar to that, contained in Exhibit 117-A in the syringe?

A. Yes.

Q. Was the syringe full?

20 A. No. It just had a little bit in it. Then there was another bottle that had totally clear, if I can recall, totally clear stuff inside it.

Q. So were there two bottles then sitting on Mr. Francis' desk ---

A. Yes.

Q. One similar to 117A?

25 A. Yes.





Q. And a second bottle of clear glass.

What was the colour of the fluid in that bottle?

A. Clear.

Q. Did either of the bottles have a label  
5 on it?

A. No.

Q. And what happened with respect to the  
second bottle?

A. He just showed me how to put it in. He  
10 said, 'Just put it in and then give me a shot.'

Q. Did you in fact ---

THE COMMISSIONER: I'm sorry, the white  
substance was already in the syringe?

THE WITNESS: Yes.

THE COMMISSIONER: And then you were to  
15 add ---

THE WITNESS: Yes.

THE COMMISSIONER: ---the clear liquid to  
it?

THE WITNESS: Yes.  
20

THE COMMISSIONER: I see.

MS. CHOWN:

Q. And who drew up the clear liquid, you  
25 or Mr. Johnson?



A. I did.

Q. And how did you know how much to draw up?

A. He showed me.

5 Q. Showed you on the syringe?

A. Yes.

Q. Said, 'Draw up to this line'?

A. Yes.

10 Q. Do you recall what the dosage was or what the amount was that you put in?

A. No.

Q. Did you put anything else into the syringe?

A. No.

15 Q. Did he?

A. No.

Q. And then what happened?

20 A. And then he -- I told him I didn't know how to do it. Then he said, 'It's simple,' and then he just took his pants down and showed me where and then I did it, I gave him the shot.

Q. And was there any discussion with Mr. Johnson about what either of those two substances that were in the syringe were?

25 A. No.



Q. Following you giving him the shot, what happened?

A. He said thank you.

Q. All right?

5 A. And then he left. He just said thanks and ---

Q. You didn't accept payment for this shot, did you?

10 A. No, even after he was done, he looked at me and said, 'Are you sure you don't -- do you want a shot?' And I said, 'No'. And then he left.

Q. And did you have any discussion with him subsequent to that time about that injection?

A. No, never.

15 Q. Now, in the spring of 1986, I understand that you went to Provo, Utah and that was in May of 1986?

A. Yes.

20 Q. And you ran in the 400 metres and, in fact, achieved a personal best at that time?

A. Yes.

Q. Do you recall your time?

A. 47.49, around that.

25 Q. I'm not sure. I'll trust you on that one.



A. It's around that.

Q. And we've heard, as well, that you attended the Nationals in Ottawa that summer and that's where you received the single injection from Dr. Astaphan?

5 A. Yes.

Q. In the summer of 1982 -- I'm sorry, 1986, I understand that you decided not to continue your association with Mr. Francis and the Mazda athletes?

A. Yes.

10 Q. Why was that?

A. Because, first of all, I heard all the rumors about the steroids at that time. Like, I started in January and by March or April, or by April, I had been hearing just rumors flying around of what was going on and I made the decision that I didn't want to be a part of what they were doing.

15 Like, I was never told exactly what was going on by either Charlie or the doctor but I just made my own decision that I didn't want to be a part of any kind of steroid program which I knew that -- I heard that they were giving some of the other athletes.

20 Q. And, in fact, in that -- in the summer of 1986, you returned to Hamilton and resumed coaching with Mr. Pat Moore?

25 THE COMMISSIONER: Training.





THE WITNESS: Yes.

THE COMMISSIONER: Resumed training.

MS. CHOWN: Did I say resumed coaching?

THE COMMISSIONER: Yes.

5

BY MS. CHOWN:

Q. Resumed training with Mr. Pat Moore?

A. Yes.

THE COMMISSIONER: Don't do that again.

10

MS. CHOWN: Try and remember.

BY MS. CHOWN:

15

Q. Now, at that point then, you decided to make a bit of a change, after 1986, where you had continued to train for track and field. I understand then you made a foray into the world of bobsledding?

A. Yes.

20

Q. And when we come to 1987, I understand in July of that year you went out and began to train with the bobsledders?

A. Yes.

Q. How did that come about?

A. There was -- actually a lot of bobsledders were from track and field.

25

Q. And why is that?



A. Because you have to be fast and crazy -- no. Because you have to be fast and strong at the top of the hill to get the sled going.

5 Q. Is that the most significant part of the bobsledding race?

A. As far as the pushers are concerned. Like, we're the three guys that push the sled. The driver has to obviously know what he's doing. They just want us for speed and strength at the top of the hill.

10 So, I knew the whole team but I think two guys were from track and field, at one time, that had retired and gone on to bobsled.

15 Q. So, in fact, in 1987 you went off and trained and remained with the Canadian bobsled team through March of 1988?

A. Yes. Just after the winter Olympics.

Q. And did you participate for Canada in the Calgary Olympics for bobsledding?

20 A. No, my sled -- there was three sleds and only two sleds could compete. We had a little run off -- little, like a mini-race before the competition, during the Olympics we had a little mini-race on the hill and my sled finished third so we didn't compete.

25 Q. So, after March of 1988, I understand then you returned to track and field?



A. Yes.

Q. To the Hamilton Olympic Club with Mr.  
Moore?

A. Yes.

5 Q. You began to train for the Seoul  
Olympics?

A. Yes.

Q. And you were at the Olympics and I  
understand you were part of the relay team in the 4 x 100?

10 A. Yes.

Q. All right. Who else was on your team?

A. Atlee Mahorn, Desai Williams, Brian  
Morrison and Cyprian Enwanni.

THE COMMISSIONER: You named more than four.

15 THE WITNESS: Well, there was a inner  
rotation of the people.

THE COMMISSIONER: Oh, I see. You're  
talking about the team itself?

20 THE WITNESS: Yes. There was five of us  
that ran and they were all -- like, we were intertwined.

MS. CHOWN:

Q. I understand that you competed in the  
heats, the quarters and the semis for that relay?

25 A. Yes.



Q. And overall, the relay team came 7th?

A. Yes.

Q. Is that right. Although, you did not participate in the finals?

5 A. In the final, no.

THE COMMISSIONER: And do we have a team -- we did have a team in the finals.

THE WITNESS: Yes, 7th.

THE COMMISSIONER: Came 7th?

10 THE WITNESS: Yes.

THE COMMISSIONER: Who ran in the finals? I have forgotten.

THE WITNESS: Desai to Atlee to Cyprian to Brian.

15 THE COMMISSIONER: All right.

MS. CHOWN:

Q. Cyrian Enwanni and Brian Morrison?

A. Morrison, yes.

20 Q. Have you continued to train and compete following the 1988 Olympics?

A. Yes. I'll just add that during the '88 season I ran all of my personal bests in the 100 and the 50's and the 60's in that time and then I've continued to compete and the last time I ran was at the Canadian

25





championships here in '89 which, again, I set another personal best, so...

Q. I understand those -- that was the meet that was held in Edmonton in February of this year?

5 A. Yes.

Q. And you ran the 60 metres and had a personal best of 6.76 seconds?

A. Yes.

Q. And you were fifth in that race?

10 A. Yes.

Q. And do you -- have you competed since that meet?

A. No.

Q. Do you plan to continue to compete this year?

15

A. Yes.

Q. Are you a carded athlete, Mr. Mowatt?

A. Yes.

Q. For both track and field and bobsled?

20 A. No, you can't be carded in both, unfortunately. So I'm -- I was carded C in the bobsled team and B in track and field. The B is more money so I went with the B. Not much more, I might add.

THE COMMISSIONER: Are you back at school now or are you working in Hamilton?

25



THE WITNESS: I'm working in Hamilton.

MS. CHOWN:

Q. I understand that you work in promotion  
5 for O'Toole's Roadhouse?

A. Yes.

Q. At the present time, Mr. Mowatt, I  
understand that you're currently ranked fourth in the 100  
metres?

10 A. Yes.

Q. In the world?

A. In Canada.

Q. In Canada.

A. I wish!

15 Q. Yes. And Mr. Commissioner, I just wish  
to return briefly to the OHIP records that I dealt with  
earlier.

Mr. Mowatt, we covered the fact that you  
were at Dr. Astaphan's office in February, seven times --  
20 that's February of '86. These records indicate that you  
were there twice in March of '86, four times in April of  
'86 and nine times in May of '86, eleven times in June and  
four times in July.

Does that accord with your recollection that  
25 the last time you would have seen Dr. Astaphan would have



been in July? This, in fact, indicates July 5th, 1986?

THE COMMISSIONER: '86?

MS. CHOWN:

5 Q. Yes?

A. A lot of the times you're saying here, I don't even remember going into Dr. Astaphan's office. Like you said eleven times in June?

Q. Eleven times in June, yes?

10 A. In June, for a lot of June I was home in Hamilton because I had left and I didn't know what to do. I was contemplating whether I should go back and not, like go back to Toronto. So, a lot of the times that I'm marked down there for, I wasn't there.

15 Q. The records for June indicate attendances on June 2nd, 3rd, 4th, 5th, 6th, 11th, 17th, 18th, 19th, 20th, 21st, 22nd, 23rd, 24th, 25th, 28th and 30th.

20 THE COMMISSIONER: That's every day for two weeks?

THE WITNESS: That's not correct.

MS. CHOWN: Mr. Commissioner, I wonder if this OHIP summary for Mr. Mowatt might be the next exhibit?

25 THE COMMISSIONER: Mr. Registrar?



THE REGISTRAR: That's 131, Mr.  
Commissioner.

---EXHIBIT NO. 131: OHIP Summary of Andrew Mowatt.

5

MS. CHOWN: Those are all the questions I  
have for Mr. Mowatt.

THE COMMISSIONER: Thank you, we will take  
our morning break now.

10

--Morning recess

THE COMMISSIONER: Your questions are  
through at the moment, Ms. Chown?

15

MS. CHOWN: Yes, they are. Thank you, Mr.  
Commissioner.

THE COMMISSIONER: Mr. McMurtry, please?

EXAMINED BY MR. McMURTRY:

Q. Thank you, Mr. Commissioner.

20

Now, as I understand it, Mr. Mowatt, you're  
relationship, as far as athlete/coach with Mr. Francis,  
took place over approximately a six month time, the end of  
'85, early '86, to the Commonwealth Games in '86?

25

A. From January of '86 until they left for  
the Commonwealth Games.





Q. Which was, as I recall, was in July?

A. July.

Q. July of '86, yes.

5 THE COMMISSIONER: Excuse me, just one  
minute, Mr. McMurtry?

MR. McMURTRY: And just a few questions  
that I have, Mr. Mowatt ---

10 THE COMMISSIONER: Excuse me, Mr. Mowatt?  
All right, go ahead? Go ahead, Mr. McMurtry, I'm sorry.

MR. McMURTRY:

Q. You testified earlier this morning  
about -- about a visit you had had to Charlie Francis'  
apartment when Ben Johnson happened to attend there?

15 A. Yes.

Q. And I'm not sure whether you've  
mentioned the particular date of that visit?

A. Sometime in April or March. I don't  
remember.

20 Q. And ---

THE COMMISSIONER: Of '86?

THE WITNESS: Yes.

MR. McMURTRY:

25 Q. And I think you told us earlier, you



don't have any particular recollection as to why you were there on that particular occasion?

5 A. Charlie was gone to a track meet, I think, for a couple of days and he -- actually, he gave Cheryl some keys and then I was over there watching TV.

Q. You just happened to be over that one day watching television?

A. Yes.

10 Q. Now, isn't it the truth, Mr. Mowatt, that in you, in fact, lived at Charlie Francis's apartment for the better part of four months?

A. I stayed at Charlie's but not for four months, no.

15 Q. Well, Mr. Francis indicated to me, a few minutes ago and I can give the assurance to you, Mr. Commissioner, that he will be prepared to come back and testify to that, that his recollection is that you lived in his apartment April, May, June and up until the time that the athletes left for the Commonwealth Games?

20 A. I lived at Charlie's apartment but not for four months. For, maybe, two months on and off.

THE COMMISSIONER: You gave me the impression that you just happened to drop in that day to watch television and -- so, that's the way you left it,  
25 Mr. Mowatt.



THE WITNESS: At the time ---

THE COMMISSIONER: We didn't even know why  
you were there.

5 THE WITNESS: At the time I was seeing  
Cheryl Thibedeau, so Cheryl's apartment was in the next  
building. So I was staying there, most of the time, and  
then I would go over to Charlie's but I slept in Charlie's  
apartment. He said I could stay there if I ever needed a  
place to stay.

10

MR. McMURTRY:

Q. Well, you've just told us a moment ago  
that you stayed there approximately for two months?

15 A. Yes, off and on. I didn't sleep there  
every night, no.

Q. And so the difference of the  
recollection between you and Charlie Francis, you say it  
was two months, not every night, and his recollection, it  
might have been more than three months?

20 A. Yes.

Q. And so you would -- obviously saw a  
good deal of Mr. Francis during that period of time?

A. Yes.

25 Q. And I'm just curious as to why you  
didn't volunteer that earlier because you certainly made



it sound like it was just a very casual visit to watch television?

5 A. I -- like I said, I stayed in the other apartment and then Charlie said, 'If you ever need anything, you can stay here or you can sleep here.' So, I slept there sometimes.

Q. I see. But you didn't think that was appropriate to volunteer that earlier this morning?

10 A. I didn't think that there was anything to it.

Q. Yes, I mean, it wouldn't be consistent with the evidence or your theory that you're putting forward that you really didn't know what was going on? I mean, it would have been difficult to advance a theory  
15 that you didn't really know what was happening insofar as the use of anabolic steroids and having at the same time to admit that you were at Mr. Francis' apartment for the better part of two months. It would have sounded a little inconsistent, wouldn't it?

20 A. I was never told what was going on from Charlie Francis, anything about any kind of steroid. He never approached me about steroids, ever.

Q. Just to refresh your memory and again my undertaking is that Mr. Francis will return at the  
25 appropriate time to testify as to this, that when you





approached Charlie in January of '85 to ---

A. '86.

Q. I'm sorry, of '86, to train with him,  
that you -- you asked -- you asked Charlie if you could go  
5 on a drug program and he asked you if you were referring  
to the inosine and you -- your earlier response was no,  
that you wanted something stronger and you mentioned  
anabolic steroids?

A. That's not correct.

10 Q. And you never mentioned anabolic  
steroids to Mr. Francis?

A. I never said to Charlie I wanted to  
take anabolic steroids, no.

15 Q. What discussion did you have with him  
about drugs?

A. I never had -- I asked Charlie what I  
was going to the doctor for and he said it was for vitamin  
B-12.

Q. And so when Mr. Francis returns ---

20 A. He called it inosine sometimes, yes.

Q. And when Mr. Francis, when he returns  
and states that you mentioned specifically that you wanted  
anabolic steroids, you're stating that that did not occur?

A. That is not correct.

25 Q. And he will also testify as to the many



discussions you had about anabolic steroids and clearance times?

A. That's incorrect, as well.

Q. So, this is a man whose apartment you  
5 used for the better part of two months and there was no --  
and the term never came up?

A. I never once talked to Charlie about anabolic steroids.

THE COMMISSIONER: Not the name as such.  
10 Not the word anabolics. Did you discuss with him ---

THE WITNESS: Steroids or anything.

THE COMMISSIONER: ---performance enhancing drugs, something that would make you run faster?

THE WITNESS: No.

15

MR. McMURTRY:

Q. 'Roids, the stuff, juice, nothing like  
that?

A. Charlie said a few times about other  
20 athletes like Americans and Europeans were on stuff. But  
he never said anything.

Q. I'm suggesting to you that you had many discussions with Mr. Francis about clearance times?

A. That's incorrect.

25

Q. All right. Now, earlier this morning,



you stated to the Commission, to the Commissioner, that at some point you started getting suspicious, in your words, about what was going on with respect to these injections?

A. Yes.

5 Q. And do you remember approximately when that would have been?

A. April -- March, April.

Q. March or April. And so, from the time you started getting suspicious until the time you left  
10 would have been between March and April and when they went to the Commonwealth Games in July?

A. Yes.

Q. Now, the words that you used this morning, and I tried to record them as they were given,  
15 and that was, you wanted -- you started getting suspicious and you wanted to make sure -- you said, "I wanted to make sure that I know what I was getting," and those were the words you used?

A. Yes, I was -- yes, yes.

20 Q. And that was about March or April?

A. Yes.

Q. And I suggest to you, Mr. Mowatt, I think you've -- you've struck us all as an intelligent, articulate young man. You certainly don't appear to be  
25 anybody that could be described as tongue-tied. You



express yourself very well. Perhaps that's not a fair question to ask you to comment on your own ability to articulate.

5 But, what I'm curious is, is that having become suspicious and wanting to make sure that you knew what you were getting, that you didn't ask a direct question of Mr. Francis all of this time that you were seeing him most days of the week?

10 A. Like I said, I did approach Charlie at one time and asked him what -- what I was getting from the doctor.

Q. And when was that?

A. I was getting suspicious in March and April, so it must have been in April.

15 Q. And did you -- as you expressed yourself this morning, Charlie shrugged it off, grinned and just said, 'Well, it will make you run faster'?

A. Yes.

20 Q. You were satisfied with that explanation?

A. I talked to Cheryl a few times and she -- she thought -- she said she thought it was growth hormone and then I looked it up and it was growth hormone.

25 THE COMMISSIONER: She's testified today she knew very well what she was taking.





THE WITNESS: Well, no, I said -- I asked her what she thought it was and she said -- she told me --

THE COMMISSIONER: Ms. Thibedeau knew exactly -- there was no secret what was going on within the group itself.

THE WITNESS: Yes.

THE COMMISSIONER: All the athletes, whether it was a secret outside their group, it was no secret within the group.

THE WITNESS: Yes, but I am saying when I went to see the doctor, he didn't sit down like he did maybe with Cheryl or with some of the other athletes and say I am going to put you on a steroid program. When I talked to Charlie, I didn't mentioned the word or I didn't say I wanted to go on --

THE COMMISSIONER: Ms. Thibedeau would know, you discussed that you were going to Dr. Astaphan.

THE WITNESS: Yes.

THE COMMISSIONER: And you were a friend of Thibedeau's at that time?

THE WITNESS: Yes, she did not say it was steroids or performance enhancing drugs. She said she thought it was growth hormone.

THE COMMISSIONER: Well, that's a steroid -- that's a banned substance, too, in '86 or was



it, I don't know?

THE WITNESS: No.

THE COMMISSIONER: There was no discussion of a steroid program?

5 THE WITNESS: No.

THE COMMISSIONER: Even though you were living in Mr. Francis' apartment, didn't you see a group of the Mazda people coming in and out of the apartment when you were living there?

10 THE WITNESS: They never came in and out and went into that room where he showed me the stuff was. People would come in and watch T.V. or eat like Angella came over a few times or --

THE COMMISSIONER: We have heard from  
15 several of them, we know exactly where they went, they came in to get injections?

THE WITNESS: Well, I wasn't there when  
all that was happening, because I only saw it happening --  
I only was around it when Ben was there the one day that  
20 he came in when I was there.

THE COMMISSIONER: You never saw Ms.  
Thibedeau go in there, because she says she went in to  
get --

THE WITNESS: Oh, she went in the room  
25 and got massages. I saw her go in and get a massage from



Waldemar before --

THE COMMISSIONER: No, in Mr. Francis' bedroom we have heard about where the injections were given?

5 THE WITNESS: No. She went in there because there was a massage table there and Charlie would give massages.

THE COMMISSIONER: That's where the drugs were, you said?

10 THE WITNESS: She went in there, yes.

THE COMMISSIONER: Having lived in the apartment for two months, you knew where those drugs were; Mr. Francis wouldn't have to tell you?

15 THE WITNESS: Well, he told me where they were.

THE COMMISSIONER: Well, then he had a lot of confidence in you to tell you here is a bunch of drugs if you need it without you knowing what they were. He would tell you here is a bunch of drugs, help yourself, to  
20 a man who doesn't know what the coach is talking about?

THE WITNESS: He didn't tell me what they were. He just said they are in the drawer. He didn't say what they were.

25



MR. McMURTRY:

Q. Just following up on what the Commissioner stated that my recollection of Ms. Thibedeau's evidence is that during that spring of 1986, she and the group were well aware of what was going on in so far as the use of anabolic steroids. That was her evidence.

A. That she was well aware?

Q. Yes.

10 A. Yes.

Q. And you started getting suspicious perhaps as early as March of 1986?

A. Right.

15 Q. And you and Ms. Thibedeau were dating during that whole spring?

A. Yes.

Q. And you were living with her part of that time?

A. Yes.

20 Q. And you really expect us to believe that given her evidence and the nature of the relationship with Ms. Thibedeau, that the subject never came up?

25 A. No, the subject did come up, but again I -- what she said to me, she just said that Charlie said it won't hurt you. So, she said -- and then she said it





was probably growth hormone.

THE COMMISSIONER: But you knew it wasn't growth hormone.

THE WITNESS: But that's what she told me.

5 THE COMMISSIONER: She thought it was Estragol at that time?

THE WITNESS: Never heard the word before untill it came up here.

10 THE COMMISSIONER: So, she is holding back the facts from you, or --

THE WITNESS: She said she thought it was growth hormone. I never --

MR. McMURTRY:

15 Q. Well, that's not what she has told us.

A. Well --

20 Q. And so this curiosity, and you stressed the fact that you, and your words again, "I wanted to make sure that I knew what I was getting". And you were content, you say to us, to have this one conversation with Charlie Francis which he basically just shrugged off your question. And that's what you are telling us?

A. Yes, he said it will make you run faster.

25 Q. That's what you told us. And you



never, despite the fact that you were seeing Charlie Francis almost everyday, and, indeed, he was driving you to Dr. Astaphan's office on occasions?

A. That's true.

5 Q. And you never, despite your desire to make sure, those are your words, that you knew you were getting, you never -- you say you never pressed Charlie Francis or Dr. Astaphan to know what were in these injections?

10 A. No, I just asked him on a couple of occasions.

Q. That's what you say about wanting to make sure you knew what you were getting?

A. Yes.

15 Q. And you really expect -- well --  
THE COMMISSIONER: You shouldn't ask that.

MR. McMURTRY:

20 Q. I think your evidence speaks for itself.

Now, and what -- you were -- you saw Angella Issajenko injecting other athletes?

A. Yes.

25 Q. And did you have any discussions with any of these other athletes about what was in these



injections?

A. Not that I can recall, no.

Q. Notwithstanding your own curiosity,  
there was never any discussions in your presence about the  
5 use of these anabolic steroids or steroids?

A. Between the other athletes, you mean?

Q. Yes, I mean never in your presence?

A. Them talking about it?

Q. Yes.

10 A. I can't -- I can't recall them talking  
about steroids, no.

Q. Now, indeed, as the Commissioner has  
pointed out, Charlie Francis, in allowing you to live in  
his apartment over this at least two-month period, and  
15 showing you where the drugs were, obviously indicated that  
he had a lot of trust and confidence in you?

A. Yes.

Q. That's a fair interpretation, isn't it?

A. Yes.

20 Q. And I am suggesting to you that on one  
occasion you and Charlie had an argument that related to a  
telephone call that you made to your former coach, Pat  
Moore, telling him about -- discussing with him the use of  
anabolic steroids?

25 A. Okay. I called Pat when I -- that was



in March, I guess March or April. And I called him and I said that I hurt my leg, and I went to see the doctor, and he gave me a couple of shots of this red stuff that Charlie said was B-12, but then I said but the last time I  
5 went it kind of changed a little bit. I said it was like different.

And he said just, you know, be careful and just ask Charlie what it is. And then Charlie came out and I think he heard me say that. And he just said,  
10 don't -- he said don't say anything about what you are doing or something like that.

Q. Well, you do recall that there was a discussion that Charlie was concerned about the conversation that you were having with Mr. Moore?

15 A. Yes.

Q. And I put it to you, Mr. Mowatt, that he was specifically concerned about the discussion between you and Mr. Moore and the use of anabolic steroids?

A. Because he -- he said to me, you  
20 shouldn't say anything about what are you doing here. And I said why, I have to tell him, Pat was my coach as well as Charlie. And I said I have to tell him I hurt my leg and what happened.

Q. Well, I mean surely you are not  
25 suggesting Mr. Francis would have any concern about you





telling Mr. Moore about you hurting your leg?

5 A. No, it's when I said that the doctor gave me a shot that Charlie said was B-12 and it changed color, then when I said that, it was just specifically that, that Charlie came out and said, well, you shouldn't say anything about anything you are doing here. And I said why. And he said -- he goes because it's none of nobody's business.

10 Q. You are asking us to believe that in effect he was telling you the same thing, it was none of your business?

A. I don't know. He just said -- that's all he said to me, it was none every anybody's business.

15 Q. So despite the fact you had a conversation about -- and I put it to you it was in fact an argument about this information that you were giving to Mr. Moore, that you did not pursue the conversation with Mr. Francis as to just why the injections were changing color?

20 A. No, I asked him, and he said because it -- he said don't -- he said just don't worry about it, it will make you run faster. That's all he said to me.

Q. And yesterday you told us --

25 THE COMMISSIONER: What did that mean to you, though? By this time you knew what steroids were all



about?

THE WITNESS: Yes.

THE COMMISSIONER: You knew it was used to help you enhance your performance to run faster.

5 THE WITNESS: Uh-huh.

THE COMMISSIONER: When he said this is going to help you run faster, what did you think it was?

THE WITNESS: I talked to Cheryl about it and she said it was -- she told me she thought it was growth hormone.

10

THE COMMISSIONER: I see.

MR. McMURTRY:

Q. So, that's your best recollection because there is -- because it may be appropriate for Ms. Thibedeau to come back and give us more evidence about conversations between you and her.

15

And you are going to suggest that the word "steroids" was never mentioned between you and her?

20

A. No, I wouldn't say the word steroids was never mentioned, but when I asked her what she -- and what I -- what she thought the doctor gave me when I told her what it was, she said she thought that it was growth hormone.

25

Q. Now, turning back to this conversation



between you and Charlie in relation to the conversation that you had with your former coach, I put it to you that Mr. Francis was upset about you discussing the use of these performance enhancing drugs with Mr. Moore. And you  
5 are denying that?

A. No, I am not denying that he was upset. I am just saying that he didn't -- when he asked -- he told me not to say anything because it's none of anybody's business what's going on. And I said why. And he just  
10 said because it is what we do here is -- I don't know, he just said it was no one's business. He said what we do is none of anyone's business.

Q. But certainly it was your business?

A. Oh, yes, it was my business, but he  
15 didn't tell me what it was. He just said --

Q. It was clearly your business, and yet you weren't -- you weren't prepared to, as you say, to press him to find out precisely what was going on?

A. Well, I -- he told me what it was and I  
20 I believed him, so.

Q. Well, the reason, of course, was that you knew from your earliest association with Mr. Francis because I suggested to you before because it was you who suggested anabolic steroids. And that's the truth, isn't  
25 it?



A. No.

Q. And, in fact, the discussion that took place between you and Mr. Moore, Charlie was upset about the information getting outside of the immediate family, as it were, that you went and said to him, well, look I can trust this man, I can trust Mr. Moore, I can trust Pat because he is like my father. Do you recall saying that to Charlie?

A. Okay. Charlie said it was none of no one's business what was going on. And then I said, well, what's wrong with telling him that I had gotten vitamin B-12 shots and then Charlie said, well, I heard you said that it changed color. And again, like I said, Charlie didn't tell me what it was.

Q. And what I suggested to you that the conversation went to the point where you were giving Charlie assurance that you could trust Mr. Moore because you described him as somebody who was like a father to you?

A. Yes, like Pat was my very first coach, yes.

Q. All right. Now, I am -- we are all a little curious about this event that took place in Charlie Francis' apartment when Ben Johnson arrived. And Ben Johnson was somebody you had known for how long as at that







time?

A. Well, I met Ben at the '84 Olympic trials approximately, but I never -- I would never talk to him at all. Then when I came to Toronto in January of '86, you know, I saw everyone like running, and training and stuff, and that's when I started talking to him like how are you doing, type of thing.

Q. You were training together? You were training together during that period of time?

A. Well, yes, not necessarily me and Ben, but, yes, we were all --

Q. Well, the group?

A. Yes.

Q. The Mazda group?

A. Yes.

Q. And I think you said this, to the best of your recollection, this incident occurred was it April or May of '86.

THE COMMISSIONER: March or April.

MR. McMURTRY: March or April of '86.

THE COMMISSIONER: I am not sure what day it was.

THE WITNESS: Yes.



MR. McMURTRY:

Q. What is your best recollection --

A. Yes, it was around then. I don't know what date it was.

5 Q. You are not sure. But then how many days would you and Ben have been training at the same facility together, approximately, by then?

A. At York University?

10 Q. Yes, up until the time that this incident occurred in Charlie Francis' apartment?

A. January, February, March; since January. So, January, February, March.

Q. And so this would involve most days of every week?

15 A. What's that, training together, like the group?

Q. In the same facility, the group training together?

A. Yes.

20 Q. And many hours every day?

A. Three or four.

Q. And most, I think all of the other athletes that have at least testified to this point, have said that this was a pretty close knit group?

25 A. Well, the group was close knit, but I



again came in as an outsider, and I left after a few months as an outsider, because I -- I don't know, I just never -- I was never a part. I never felt totally 100 percent at ease like with everyone there, because I just  
5 like went. I never really knew them as they were growing up, like they met each other when they 18 and 19 and started training together.

Q. But these were people that you had been you spending most days with?

10 A. Yes.

Q. And your relationship with Ben obviously wasn't an unfriendly relationship if he was asking you to inject him?

A. No. We weren't -- we didn't go out or  
15 anything like go out anywhere but, you know, we talked, how are you doing, type of thing.

Q. But you were members of the same team and you got to know each other reasonably well by then?

A. Yes.

20 Q. Yes, okay. Now, the evidence that you gave us this morning was it would appear that Ben was obviously very anxious that you give him a shot on that particular occasion in Charlie Francis' apartment?

A. Uh-huh.

25 Q. And even to the point where he offered



to pay you to give him a shot?

A. That's right, that's correct.

Q. Did you not consider that unusual that he would feel it appropriate to offer a teammate money just to inject him?

A. Excuse me, say that again.

Q. Did you not think it was unusual that Ben would feel it necessary to offer you money to make the injection or do the injection?

10 A. I didn't really think about it. I didn't think that it was unusual, no.

Q. But he clearly was very anxious that you give him a shot?

A. Yes, he wanted a shot, yes.

15 Q. In fact I think you told us that it was your understanding that Ben even went so far as to leave the apartment to obtain money to pay you?

20 A. I didn't -- I wasn't -- he didn't say he was going to get money. He left for 15 minutes and came back in. That's I thought, well, maybe he is going to get money, because I didn't -- he didn't tell me where he was going, no.

Q. But that was your interpretation as to why he left?

25 A. Because he said "I will give you





money", I thought he must be going to get money.

Q. And then when he returned, he used the words that you used, as I recorded them, "Come on, I need a shot, be a friend"?

5 A. Yes, stuff like that. I don't recall it word for word, but he --

Q. No, I appreciate that. But I mean it would certainly indicate that Ben was particularly anxious to have the shot on that particular occasion?

10 A. Yes, I guess it would -- it would seem so, yes.

Q. Yes. Wouldn't you -- I mean given the fact that you had been very curious, as you have told us, you had started getting suspicious as you testified here, 15 wouldn't you have asked Ben why he was particularly anxious to get a shot on that particular occasion?

A. No.

Q. You weren't curious about that, notwithstanding your suspicions?

20 A. No.

Q. And not curious at all?

A. I didn't --

THE COMMISSIONER: A shot of what, though, a shot of what?

25 THE WITNESS: He wanted a shot that was in



the milky bottle.

THE COMMISSIONER: And you didn't ask him what it was, if you didn't know yourself?

5 THE WITNESS: Well, first I all I didn't care what anyone else was doing. So, I didn't know what he was doing. I didn't know. I didn't really care. So, I didn't ask him why he was doing it.

10 THE COMMISSIONER: You wouldn't ask him what it is that you were going to inject him with, if you didn't know yourself?

THE WITNESS: No, I didn't ask him what it was.

15 THE COMMISSIONER: You are in charge of the household and you got all the drugs really under your care at that stage?

THE WITNESS: I wasn't in charge of the household. Like Charlie was gone, like he -- I was the only one there at the time, yes.

20 THE COMMISSIONER: And you were living there at that time?

THE WITNESS: Yes, that's true, between both apartments I was living there.

THE COMMISSIONER: Well, on this occasion, I understand. Go ahead, Mr. McMurtry.

25



MR. McMURTRY:

Q. So, you are now telling us that you didn't really care what it was?

5 A. No, I didn't care what anyone else was doing. Like I didn't ask, go around the whole team and say, look, what are you guys doing because I just cared about what I was doing or what was happening to me.

10 Q. You are asking us to believe that you have joined a particular group, the Mazda team, and you you have made that decision. Secondly, you have started getting suspicious as early as March, you wanted to make sure you knew what you were getting yourself.

15 And you are asking us to believe that given your suspicions, given your concern about yourself you didn't really care what the others were getting.

You are really asking us to believe that, Mr. Mowatt?

20 A. I didn't -- like didn't -- I didn't go around to the team and ask them what they were getting. Like it didn't bother me. If they wanted to do something -- like if they wanted to -- they could do anything they wanted, and I didn't care.

25 Q. Why didn't it bother you? You were the one that told us earlier that you were getting suspicious, that you wanted to make sure that I knew what I was



getting. That's what you told us, didn't you?

A. Right.

Q. You were going to Dr. Astaphan's office on a number of occasions?

5 A. Right.

Q. And you saw this and you saw what Ben Johnson was doing and what you thought others were doing, and -- well, Ben Johnson and you were being injected by the same doctor?

10 A. Yes, that's correct.

Q. And you thought that they were, and as I understood your evidence this morning, that it was your view that you were getting the same injections that Ben Johnson was getting?

15 A. I didn't say I was getting the same injections that Ben Johnson was getting.

Q. Well, I am sorry, I may have misunderstood your evidence.

20 THE COMMISSIONER: I don't think he said that.

MR. McMURTRY: I thought there was an occasion on which you were both --

THE COMMISSIONER: He hasn't say that, I don't think.

25







MR. McMURTRY:

Q. Yes. But in any event you were being injected by the same doctor?

A. Yes.

5 Q. And at this point Charlie Francis has already told you that it will make you run faster?

A. Yes.

Q. And given all of this information, you never asked, you say that you never asked any of your  
10 fellow athletes just what it was that was going to make us run faster other than what you have described about the conversation between you and Ms. Thibedeau?

A. No, I never asked any of them what -- if they were going to see the doctor, if they were getting  
15 shots from the doctor.

Q. And I think you did tell us that the substance you were getting and what Ben was getting, I thought, and Mr. Pratt has assisted me from his notes, that it was -- you described it as the same milky white  
20 color?

A. The day that Ben came in to Charlie's apartment, yes, it was a milky white color, yes.

MR. McMURTRY: I wonder, Mr. Commissioner, if I could just borrow that Exhibit with respect to the  
25 OHIP visits to Dr. Astaphan. Is there an extra copy?



Yes, I am sorry, I should have asked for an extra copy.

THE COMMISSIONER: All right.

MR. McMURTRY: Sorry, Mr. Commissioner.

THE COMMISSIONER: Thank you.

5

MR. McMURTRY:

Q. Now, as I understand this Exhibit, this  
is number?

THE REGISTRAR: 131.

10

MR. McMURTRY:

Q. 131. These were presented as records  
from Dr. Astaphan's office.

15

THE COMMISSIONER: No, these are OHIP  
records.

MR. McMURTRY: OHIP records, yes.

THE COMMISSIONER: Of Dr. Astaphan's  
account.

20

MR. McMURTRY: Of visits by you to Dr.  
Astaphan or at least Dr. Astaphan submitted an account for  
these visits.

THE COMMISSIONER: That's right.

25

MR. McMURTRY: And there are a large number  
of them -- do you remember the total number? Thank you,



very much.

MR. McMURTRY:

Q. I just might -- would you look at this  
5 Exhibit, Mr. Mowatt.

THE COMMISSIONER: It starts with February  
'86.

MR. McMURTRY: In February there are seven  
10 visits.

THE COMMISSIONER: More than that.

MR. McMURTRY: In March there would appear  
that there were just two visits.

THE COMMISSIONER: I have got more than  
15 seven in February.

MS. CHOWN: Mr. Commissioner, the Exhibit  
is a little bit difficult to interpret, but there are  
separate lines for each service rendered so there may  
be --

THE COMMISSIONER: There may be more  
20 service on one day. Thank you, I see that.

MS. CHOWN: And I may not be totally  
accurate, I tried to go through and delete the repetitions  
on the dates and came up with seven dates on which Mr.  
25 Mowatt attended at Dr. Astaphan's office in February.



THE COMMISSIONER: Thank you.

MR. McMURTRY:

5 Q. Two in March, four in April, seven in  
May, and 11 -- or, sorry is that 17 in -- 17 in June, and  
four in July.

THE COMMISSIONER: I have forgotten when  
you said, Mr. Mowatt, when the last time you got an  
injection from Dr. Astaphan of this milky white stuff.

10 THE WITNESS: It was at the -- oh.

THE COMMISSIONER: Dr. Astaphan, not  
Angella.

THE WITNESS: From May, maybe May. He  
came -- he gave me an injection at the Canadian  
15 championships in Ottawa, after I ran the 400, he came into  
my room.

THE COMMISSIONER: When was the last time  
you attended his office and got an injection? You seemed  
to be going there a great deal of time?

20 THE WITNESS: April, May, June -- May,  
maybe.

THE COMMISSIONER: You obviously went there  
several times in May. And then and more, many more times  
in June according to the records here.

25





MR. McMURTRY:

Q. Is your evidence that these records do not accurately reflect the number of visits that you had to Dr. Astaphan's office?

5 A. Not when it came down to June and July, like I can't quite read this right --

Q. Dr. Astaphan, we are assured, will be testifying and he will I assume, he has his own records.

Well, how many times --

10 THE COMMISSIONER: Ms. Chown, how many dates -- how many times -- how many attendances do you have here for June of '86.

MS. CHOWN: I had 17, Mr. Commissioner.

15 THE COMMISSIONER: All right. And then it ends in July, does it.

MS. CHOWN: Yes.

THE COMMISSIONER: July --

MR. McMURTRY:

20 Q. Now, it would indicate -- these records are OHIP records, they indicate --

THE COMMISSIONER: When was the date you had the injection of Ms. Issajenko, I have forgotten that date, Mr. Mowatt?

25 THE WITNESS: That was March, that was



March.

THE COMMISSIONER: That was when you were down in training?

THE WITNESS: In Florida.

5 THE COMMISSIONER: That was also the milky white substance. And you say Ms. Issajenko gave you the injection without you knowing what it was?

A. No, no, I am just saying that -- okay, she gave me an -- I didn't ask her what it was, no, but I  
10 talked to Charlie before I went in, like as soon as I got down there --

THE COMMISSIONER: You are saying Ms. Issajenko would give you an injection of a substance that you didn't know what you were getting, is that what you  
15 are saying?

THE WITNESS: I didn't ask her what it was.

THE COMMISSIONER: Well, she would only assume you knew then, wouldn't she?

20 THE WITNESS: I suppose, but I didn't ask her what it was, no.

MR. McMURTRY:

Q. Yet you told us how curious you had  
25 become in March, but never occurred to you to ask Angella



Issajenko what it was?

A. No, I didn't ask her.

Q. Despite your curiosity.

A. Yes. At that time I was injured and I  
5 just wanted -- I wanted to get back on the track. That's  
why I asked Charlie and the doctor what it was.

10

15

20

25



Q. Now, these OHIP records suggest that Dr. Astaphan's records indicate 17 visits to him in June, which you don't think is accurate. What is your best recollection as to how many visits you had to Dr. Astaphan in June?

A. I can't even remember how many, but the way Kirby said, it was, like, 15 days in a row or something like that. There is a bunch of days in a row.

Q. Well, is it possible that there were, indeed, 17 visits? I mean, Dr. Astaphan testifies from his records that there were 17 visits in June. Are you prepared to quarrel with that estimate?

A. To my recollection, there was not 17 visits.

Q. What is your best recollection?

A. I don't even know. I don't even remember how many times I saw him in June. I know I didn't see him the way she said it, the way it was written here.

Q. Well, can you give us any estimate at all?

A. Maybe five, ten. Five. I don't know.

Q. Maybe ten?

A. I don't know how many times.

Q. You don't know, and in the records, it





would indicate four visits in July?

5 A. For a part of June I went back to Hamilton for a few days in June, and I stayed at home and just--like, I wasn't training. I had a sore leg during some of that time. I think it was during some of the time that she read off, some of the dates.

10 Q. Well, in any event, we have heard I think from all of the athletes who attended on Dr. Astaphan that he was a very approachable individual, very interested in track and field?

A. Yes.

Q. Would you agree with the opinion that the other athletes have given?

A. Yes.

15 Q. And I think it's fair to say that all of the other athletes have suggested that they believe that Dr. Astaphan was interested in their welfare? Did you have--

A. Yes.

20 Q. And did you have any problems with Dr. Astaphan?

A. No, not that I can recall. I don't think I did. You mean fights or anything? No, I don't think so.

25 Q. Well, I gather from what you have said,



that you had confidence in Dr. Astaphan?

A. Yes.

Q. And you had obviously seen him on a number of occasions?

5 A. Yes.

Q. And you found him approachable and you had confidence in him?

A. More or less, yes.

Q. And you never, according to your  
10 evidence, you are asking us to believe that you never had any discussions about the precise nature of these injections, why Charlie Francis would have said that it will make you run faster?

A. To Charlie or to the doctor?

15 A. To the doctor.

Q. To the doctor I asked him what they were, and he told me they were vitamin B12. Charlie sometimes said inosine, but the occasion that I asked him, he said inosine. I have heard that word before.

20 Q. How many times did you ask Dr. Astaphan?

A. I think twice.

THE COMMISSIONER: I think you mean about the white substance, not the vitamin B12.

25



MR. McMURTRY:

A. No, white substance, the milky-white substance.

A. Yes, I think I asked him twice.

5 Q. And you realize you are making a very serious allegation insofar as Dr. Astaphan is concerned. You are telling under oath, you are stating under oath to this Commission that Dr. Astaphan misrepresented to you what he was injecting you, if, in fact, he is going to  
10 give evidence about injecting the anabolic steroids?

A. He told me they were B12, and when they changed, he never said what they were.

THE COMMISSIONER: I thought you said you asked him what it was?

15 THE WITNESS: Yes, but he never told me.

THE COMMISSIONER: What did he say though?

THE WITNESS: He just said it's for your leg. He said it was going to make your leg heal. He didn't tell me what it was. He didn't mention any of the  
20 names that have been mentioned here before, no.

MR. McMURTRY:

Q. And given your suspicions and your curiosity, it never occurred to you to ask the doctor,  
25 well, just what is it that's going to help my leg?



A. Again, I restate that I asked the doctor and Charlie. I asked him.

Q. You told us about one conversation with Charlie over that whole period of time. One conversation.

5 A. I heard Charlie use the word inosine on different occasions. Like, talking to other people.

Q. Talking to other people.

A. Yes, and he said that to me too. He said the word inosine to me. Vitamin B12-inosine.

10 THE COMMISSIONER: When the substance was changed though, did you go back and see Mr. Francis?

THE WITNESS: Yes, and he said that it would make you run faster.

THE COMMISSIONER: That was all?

15 THE WITNESS: Yes.

THE COMMISSIONER: And when he told you that there are all these drugs, that you could take the drugs in the apartment whenever you wanted them, you didn't know what they were?

20 THE WITNESS: No, he was gone for--

THE COMMISSIONER: I think you told us that you were there and he told you all these drugs are here, help yourself, as it were?

25 THE WITNESS: Yeah, he said if you need anything, go ahead.







THE COMMISSIONER: And you didn't know what was in the drawers?

THE WITNESS: No, I didn't know what it was in the drawers, so I didn't use any of it.

5 THE COMMISSIONER: You never asked him, but he would say help yourself to somebody that didn't know what it was, he was going to help himself to it?

THE WITNESS: He didn't say help yourself every time I was in his apartment. He just said at that  
10 time when he was away, he just said, if you need anything, go ahead.

THE COMMISSIONER: But I'm puzzled. He said, here there are all these drugs there, help yourself and he would say that to somebody who didn't know what  
15 these drugs were?

THE WITNESS: Well, I don't know. That's what he said to me.

THE COMMISSIONER: That's sort of a strange conversation, isn't it?

20 THE WITNESS: Well, he didn't tell me what was in the bottles.

THE COMMISSIONER: Just help yourself to drugs and you didn't know what he was talking about and he would open up that way. I have all these drugs here and  
25 help yourself, anybody. I've got syringes here, and he



would tell that to somebody who didn't know what it was he was talking about?

THE WITNESS: I was suspicious of what they were. That's why I didn't use them, I guess, and I didn't know--

THE COMMISSIONER: What did you think they were at that stage?

THE WITNESS: What did I think they were?

THE COMMISSIONER: Yes.

THE WITNESS: I don't know. I thought maybe they were growth hormone or steroids, but I didn't use anything he had in his apartment.

THE COMMISSIONER: But you were suspicious - that was in March then - of what they were? That's why you said you didn't take them, but you were taking them. You were getting them from Dr. Astaphan.

THE WITNESS: I was suspicious, but I wasn't going to go into his drawer and take something that he said just go ahead and take.

THE COMMISSIONER: You did later though because you say you injected Ben Johnson with what was in the drawer.

THE WITNESS: Yeah, but I didn't take them. I'm just saying I wasn't going to take them because I personally didn't know what it was.



THE COMMISSIONER: But you are saying that Mr. Francis would confide in you what was obviously to be kept only within their own group and say here, help yourself, Mr. Mowatt. It's all in the drawer, syringes  
5 are there and without appreciating that you knew what he was talking about.

THE WITNESS: That's what he told me.

THE COMMISSIONER: It was strange, wasn't it? Were you sort of shocked? Thinking geez, why would  
10 he tell me to help myself to these drugs in the room?

THE WITNESS: No, I didn't think anything of it. I said okay and then he left.

THE COMMISSIONER: So you would do that without knowing that you knew what he was talking about?

15 THE WITNESS: He only did that once. He only said that once.

THE COMMISSIONER: Well, Mr. Johnson walked in the room. Did you tell him where the drugs were?

20 THE WITNESS: I don't think so. He went in before me so I think he knew where they were. I don't think I said to him they are in there or anything.

THE COMMISSIONER: I'm sorry. Go ahead.

MR. McMURTRY:

25 Thank you, Mr. Commissioner.





Q. You have told us also that you became interested in bobsledding?

A. Yes.

5 Q. And I'm not sure. You may have told us, and I apologize if I'm asking you to repeat yourself, but for how long were you involved with bobsled activity?

A. From maybe July of '87 until March--until right after the Calgary Olympics.

10 THE COMMISSIONER: I'm sorry, the dates again?

THE WITNESS: From July of 1987 to March of 1988. Around then. Maybe August. They called me once and then I said no, no, and then they called me back in August until I decided to try it.

15

MR. McMURTRY:

Q. And you were obviously heavily engaged in that activity from the period of time that you have just described?

20

A. Yes, we were in Europe.

Q. And what rumours did you hear about the use of performance-enhancing drugs as far as the bobsledders were concerned?

A. The Canadian team?

25

Q. Well, we will just say generally and





then we'll get to the Canadian team.

A. I heard at that time a lot of the Europeans, the Soviets and East German bobsledders were taking drugs, steroids, whatever.

5 Q. Yes. And what discussions did you have with your fellow bobsledders about these rumours?

A. I don't know. Like, we just talked off and on in different rooms or on the course. Like, they would look at somebody, somebody from any country, pick  
10 somebody, look at him and say well, maybe he looks big or he looks fast or he was a performer, track and field guy or whatever. Like, we would joke about it.

Q. So there seemed to be a lot more discussion about the use of steroids amongst the  
15 bobsledders than what you've told us about amongst the track and field people?

A. Yes. Not discussion of who is on it, but more free talk about steroids and everything in general.

20 Q. Did you ask any of your fellow bobsledders? Specifically, did you ask any of your teammates or fellow bobsledders whether there were any Canadian bobsledders using steroids?

A. Yes, I think it probably came up a few  
25 times that we would say I wonder if anybody on this team



is on steroids.

Q. I am asking whether you--

A. Like, anyone in particular?

Q. Whether you asked any of your fellow  
5 bobsledders, whether any of the Canadian bobsledders were  
using steroids?

A. Yes, possibly.

Q. Do you remember on how many occasions  
you might have done that?

10 A. No, I don't recall.

Q. Can you recall any specific incident in  
which you did?

A. Canadian bobsledders? No. They joked  
around about it a lot. Like, but I never asked anybody,  
15 like, who was on steroids on this team.

Q. I see. Well, don't you think it's  
rather curious, your approach to these matters. You are  
obviously an accomplished athlete. You are obviously  
concerned about your individual wellbeing and your ability  
20 to compete, and yet there seems to be an enormous  
reluctance on your part to ask any of your fellow athletes  
questions.

THE COMMISSIONER: I think he said he  
discussed it with the bobsledders, but apparently not with  
25 the track and field people is what he is saying.



MR. McMURTRY: I may have misunderstood the evidence, but I thought that he couldn't recall any occasion in which he, himself, asked any questions, Mr. Commissioner, apart from hearing general discussions.

Q. Was that not your evidence?

A. Well, there is two or three of them that were in track and field and they would bring up what they thought were people that were--who they thought were people that were on the sauce. That's how they put it. They said sometimes--a couple of them would say gee, I wonder who's on the sauce on the European team or the Soviet team or whatever.

Q. And did you ever ask any of these questions of anyone yourself?

A. No, because I just joined the bobsled team for a short time.

THE COMMISSIONER: About nine months?

THE WITNESS: They called me in about July and I think I went in September for the first training camp approximately. September I think.

MR. McMURTRY:

Q. Well, basically your evidence is that you seem to have a reluctance to ask questions.





5           A.    Well, I think if I wanted to go on any kind of steroid program, I would have asked questions, but maybe my reluctance was because I never wanted to approach anybody and talk about it because I wasn't doing it and I didn't want to do it.

          Q.    Despite your curiosity?

          A.    Yes.

          Q.    You were content to sort of live in the dark to some extent?

10           A.    No, but when they told me that, first of all, it was for my leg, I believed them.

          Q.    But your curiosity didn't lead you to ask anyone anymore specific questions than what you had already told us about?

15           THE COMMISSIONER:   You already told us that the steroid was for your leg?

          THE WITNESS:    Pardon me?

          THE COMMISSIONER:   You said, "When they told me it was for my leg, I believed it." What were you referring to there?

20           THE WITNESS:    When I started to go see the doctor with Charlie. When I hurt my leg and he first introduced me to the doctor. Because I think if he--like, he says I approached him about it, but he waited before he even introduced me to Dr. Astaphan, like, until I hurt my





leg.

MR. McMURTRY:

Q. Mr. Mowatt, you told us you are still a  
5 carded athlete?

A. Yes.

Q. And you intend to continue to compete?

A. Yes.

Q. And of course any admission of  
10 knowledge on your part of using anabolic steroids would  
obviously be very harmful to your ability to compete in  
Canada, wouldn't it?

A. I don't know what they would do, no.

Q. You are not concerned about that? You  
15 don't know--

A. No, I don't know.

Q. So you are suggesting to us that an  
admission that you had knowingly used anabolic steroids  
would not be harmful to your future?

A. No, I don't think so.

Q. You don't think it would?

A. By me saying that I used anabolic  
steroids?

Q. Yes.

A. It probably would because I think they  
25



are suspending people, aren't they, so--

Q. Yes, of course. You are well aware of that?

A. Yes.

5 Q. I put it to you, Mr. Mowatt, with some reluctance, but you are simply not telling us the truth about your knowledge with respect to the use of anabolic steroids.

10 A. Like I said before, the first time I ever heard any of those names of anabolic steroids was in here.

THE COMMISSIONER: Well, Mr. Mowatt--

THE WITNESS: I didn't hear specific names before that.

15 THE COMMISSIONER: Never mind the name of it. You knew what steroids were all about?

THE WITNESS: Yeah, I knew what they were about, but I didn't --

20 THE COMMISSIONER: Never mind the name, whether it was Winstrol or Dianabol, that's not what we're talking about. You know that.

THE WITNESS: No, I didn't know anything about the names, no.

25 THE COMMISSIONER: What puzzles me at the moment, Mr. Mowatt, is that it has been made evident here



that within the group, within the Mazda group, there was no secret amongst the group as to what was going on, and Mr. Francis would discuss openly and freely within his own group the advantages in his opinion of using steroids.

5 You have followed the evidence in these proceedings, have you not?

THE WITNESS: Pardon me?

THE COMMISSIONER: You have followed the evidence of these proceedings? Every witness called forth  
10 in the group has testified how it was discussed fully by Mr. Francis, and in most cases, if not all, he would take them first to a doctor and discuss it with the doctor. And here you are, a part of the group, living with the coach for two months, a very close friend of one of the  
15 group, and these people were all on steroids, including yourself, and it was unknown to you?

THE WITNESS: This whole--pardon me? I didn't hear that.

THE COMMISSIONER: You didn't know anything  
20 about steroids?

THE WITNESS: I had heard lots of rumours, but, like I said again, Charlie never took me to a doctor and never approached me and said--

THE COMMISSIONER: He went with you to Dr.  
25 Astaphan. He took you to Dr. Astaphan.



THE WITNESS: He went with us, with Cheryl and I, a few times to Dr. Astaphan's office, yeah, but he never approached me first about--

5 THE COMMISSIONER: And he would leave you  
in the apartment. We know how those drugs got to the  
apartment and then why they were left or to where they  
were taken away because too many people might know, and we  
have heard that within the group, they didn't want  
strangers to know about this, those they couldn't trust.  
10 And you say here you are left in charge of the apartment  
and with an open invitation by the coach to use these  
drugs when he was anxious that nobody who was unaware of  
what was going on would even know what they were doing.  
That's what you are saying I think. I'm just trying to  
15 understand your evidence.

THE WITNESS: I'm just saying what I was  
told at that particular time.

THE COMMISSIONER: All right.  
---Adjournment.

20

25







THE COMMISSIONER: I apologize for the delay. I had to meet with several counsel during the adjournment. Mr. Porter?

MR. PORTER: Thank you.

5 THE COMMISSIONER: You are through, Mr. McMurtry?

MR. McMURTRY: Yes.

---EXAMINATION BY MR. PORTER:

10 Q. Mr. Mowatt, I represent the College of Physicians and Surgeons of Ontario, an organization that represents the doctors, and I'm only going to be dealing with you in my questions of you concerning your conversations with Dr. Astaphan, okay?

15 On the first occasion that you received the milky-white shot from Dr. Astaphan, do you recollect him using the word "sauce" in describing this milky-white substance?

A. No.

20 Q. On the second occasion that you received the milky-white shot, do you recollect Dr. Astaphan using the word sauce?

A. No.

Q. In describing?

25 A. No.



Q. On the third occasion?

A. No.

Q. On the fourth occasion?

A. I think by then I asked him.

5 Q. Yes, and do you recollect him using the word sauce? Think carefully. Do you recollect him using the word sauce in describing the milky-white substance?

A. No.

10 Q. On those four occasions after you asked Dr. Astaphan about what the substance was, do you recollect Dr. Astaphan saying to you that the milky-white substance would help you run faster?

A. He mainly said it would help my leg heal faster.

15 Q. You say mainly.

A. Yes, like, he said it would help my leg more than it would help--like, it was mostly Charlie that said it would make me run, but Dr. Astaphan said my leg would heal much quicker.

20 Q. Please, Mr. Mowatt, do you recollect whether he said it would make you run faster?

A. I can't remember.

Q. You have no memory at all?

A. I don't think he said that, no.

25 Q. So it couldn't have been said?



A. Pardon me?

Q. Is it your position that it could not have been said?

A. I don't remember him saying that.

5 Q. Is it, so that I am clear, your position that in your memory, he could not have said "sauce"?

A. No. Okay, he could have said sauce but I don't remember him saying that to me.

10 Q. Do you remember when you were interviewed by Mr. Nan from the College of Physicians and Surgeons of Ontario?

A. Yeah, he came twice.

15 Q. On November the 7th, 1988, he asked you some questions and he had some kind of tape recorder?

MR. LEVINE: Well, sir, with respect, concerning that type of cross-examination, we are not dealing with sort of an adverse witness here. I don't think--

20 THE COMMISSIONER: I think it's perfectly proper.

MR. PORTER: I'm merely trying to refresh his memory.

25 THE COMMISSIONER: I think he has a prior statement from the witness. All this can be challenged.



MR. LEVINE: Under the normal rules of evidence, of course, the witness would be shown this statement if there was anything in writing.

THE COMMISSIONER: Well, he's going to ask him, did you say this. He will get around to that. He is familiar with the rules. We are a little lax, but not completely so. Wait for Mr. Porter to do it correctly. If he doesn't, I don't know how I will instruct him, but I'm available.

MR. LEVINE: Thank you.

MR. PORTER: As they say, much obliged.

Q. On November 7th, 1988, Mitchell Nan of the College of Physicians and Surgeons, an investigator, came and talked to you. Do you remember him coming to talk to you?

A. Yes.

Q. And he took a tape of that conversation, and I'm going to show you some questions and answers.

THE COMMISSIONER: You can just read it. Ask him whether he asked that question and made that answer in the traditional style, Mr. Porter.

MR. PORTER: In the traditional style, my





Lord, I will.

"No, anyway, I went back I think a week later.

5 Q. You have got to read a number and you've got to listen to me."

Nan: "So you mentioned it casually, I suppose, to Charlie. Were you very concerned?

10 A. Not overly concerned at the time. No, anyway, I went back I think a week later. This is in March again and it had--it was the same brownish milkish colour. So I said to him right after he gave me that shot, well, what is this, and he said it was, 'I  
15 don't know'. They have these slang names for the sauce and that's what he said to me."

Mr. Nan: "Okay."

The phone rings then and there is a pause.

20 Do you remember a phone ringing?

A. Yes.

Q. And then after I assume he got off the phone.

25 Nan says: "Let's get that part a little more clear, Andrew. When you asked him what



it was, you received a second shot of this milky stuff."

Your answer: "Right."

5

"Q. And after that second shot, you asked him what it was.

A. Right.

Q. And he responded, Dr. Astaphan responded in what fashion?

10

A. Actually, he said don't worry about it. It's for your leg. And then after I inquired more, he just said it was sauce, and it will help you. It will make you run faster."

Nan's question: "Okay."

15

Your answer: "Yeah, it will make you better."

Were you asked those questions and did you give those answers?

20

A. Yes, I was asked those questions and I guess I gave those answers, yes.

Q. And were they right?

A. To the best of my recollection, yes.

Q. Thank you. I guess so that I am clear, Dr. Astaphan never--

25

A. It's difficult to remember everything



precisely. I'm just going back on the best that I can remember what he said.

Q. No, what I just read to you, those questions and those answers, they are correct?

5 A. From what Mitchell Nan asked me, yes.

Q. And your answers then, they were correct?

A. Yes, I guess to the best of my recollection.

10 Q. Wait a minute. Is it?

A. Yes.

Q. Or is it not?

A. Yes.

Q. It's right?

15 A. Yes.

Q. You got that?

A. Yes.

Q. Sure?

A. Yes.

20 Q. Absolutely?

A. Yes.

THE COMMISSIONER: Well, I think we have the answer, Mr. Porter.

25 MR. PORTER:



Q. Now, at any time did Dr. Astaphan have any discussion with you concerning side-effects as to anabolic steroids?

A. No.

5

Q. Thank you, those are my questions.

10

15

20

25





THE COMMISSIONER: Mr. Bourque, do you have any questions of this witness?

MR. BOURQUE: No, Mr. Commissioner.

THE COMMISSIONER: Mr. Barber?

5 MR. BARBER: I have a couple.

EXAMINED BY MR. BARBER:

Q. Mr. Mowatt, I represent the Sport Medicine Council.

10 Before you came to Toronto and began training with Mr. Francis' group in January of 1986, when you were training in Hamilton with your coach there, were you aware that certain drugs, certain substances were banned and could not be used by athletes who were  
15 competing?

A. No, I didn't know much about the banned substances or I didn't read or anything about that before that, no.

Q. Did you know that there were some that  
20 were illegal or banned?

A. Yes, I knew there were steroids you could take it that were banned because other people had gotten caught before, like in '83.

Q. So you knew anabolic steroids were  
25 banned, that you could not use those to compete?



A. Yes.

Q. And was that information given to you by your coach, by Mr. Moore?

5 A. Just watching TV, reading. Well, like just reading papers, newspaper and stuff like that.

Q. How about your coach? Did he give you information?

A. Not really, no, because I never talked to him about steroids, like, before.

10 Q. That wasn't something you had discussed?

A. No.

Q. Moving to a different area; the injury that you -- that you suffered in February of 1986, what  
15 kind of an injury was it?

A. It was behind my knee.

Q. Was it a tendon pull?

A. Yes. I think it was a tendon that was pulling back there which eventually led me to pull my  
20 hamstring during the year.

Q. The initial injury, was it a tendon pull?

A. Yes.

Q. And that's in February of 1986?

25 A. Yes.



Q. It was for that injury that you went to see Dr. Astaphan?

A. Yes.

Q. And whatever it was that he gave you, the purpose was to deal with that injury?

A. Yes.

Q. Whatever it was that he gave you, by way of injection, did you notice any effects upon you, and let's start with on your attitude, on your emotional side?

10 A. No.

Q. Did you notice any physical effects?

A. No.

Q. I thought I understood, and I'm now moving on to June or July of 1986, I thought I understood you to say that by then certainly you had heard rumors about drug use amongst the athletes you were training with, is that correct?

A. Yes.

Q. And that led you to reflect as to whether on you or not you wanted to continue with that group?

A. Right.

Q. I take it your decision was not to continue with that group?

25 A. Right.



Q. Why?

A. Because I didn't want to participate in what I thought they were doing.

Q. Being drug use?

5 A. Yes.

MR. BARBER: Thank you, sir.

THE COMMISSIONER: Thank you. Mr. Sookram?

EXAMINED BY MR. SOOKRAM:

10 Q. Mr. Mowatt, my name is David Sookram.  
I am Dr. Astaphan's lawyer.

Mr. Mowatt, do you have leg length discrepancy, one leg slightly shorter than the other?

15 A. One chiropractor I went to years, years ago said he thought there might be a little bit of discrepancy there and then the first time that I met Dr. Astaphan, Dr. Astaphan at the track, when he was feeling behind my knee, he told me to stand up straight and I guess he felt around and he thought that at one time there was maybe one leg, like, half an inch shorter or something  
20 like that.

Q. Before you met Dr. Astaphan, you had some low back problems?

A. Yes. Yes, I did, in '85.

25 Q. And you told this to the doctor, to Dr. Astaphan?





A. Yes.

Q. And you had some hamstring problems?

A. Yes, behind my knee, top of the hamstring, yes.

5 Q. And you also told this to the doctor?

A. Yes.

Q. One of the reasons why you left the Hamilton club and came to Mr. Francis to train you, was to acquire some more speed, is it not right?

10 A. Yes.

Q. And in February, when you first went to see Dr. Astaphan, Mr. Francis accompanied you, is that not right?

A. First time? The first time I went to see him, I don't recall Charlie being there. I don't....

Q. He drove you in his car?

A. The very first time I went to see him?

Q. Yes?

A. I took the bus on many occasions as well. I don't remember him driving me that time.

Q. But he might have done?

A. Yes, he had driven me before, yes.

Q. And when you reached there, Dr. Astaphan sent you across to the chiropractor?

25 A. Yes.



Q. First?

A. Yes.

Q. And you came back in, and with Mr. Francis there, the discussion took place about you going  
5 on steroids there?

A. No, that's wrong. There was never ---

Q. This is what Dr. Astaphan is going to come and tell this Inquiry.

A. There wasn't a discussion for me to go  
10 on any kind of steroid program.

Q. But that the doctor is going -- the doctor is going to tell this Inquiry that at that time, with that injury, he didn't think you could train and you should go on steroids at that time but should defer your  
15 introduction to steroids to a later date?

A. The doctor did never once tell me that.

Q. I am putting it to you, and perhaps Mr. Francis will be recalled to confirm this, that you asked the doctor about steroids and the old question was  
20 discussed with you and Mr. Francis present?

A. That's incorrect.

Q. You did tell us this morning that after your fourth or fifth visit -- was it your third or fourth?

THE COMMISSIONER: Third or fourth, I think  
25 he said.



MR. SOOKRAM: Third or fourth, thank you, sir.

MR. SOOKRAM:

5 Q. You got a different substance from that which you got by way of injection on the first occasion?

A. Yes.

Q. You told us you asked the doctor what it was and he told you it was to help your leg heal?

10 A. Yes.

Q. The doctor will tell us that at that time you knew it was steroids because he told you it was steroids, the same steroids for which you had asked on your very first visit in February?

15 A. If I would have asked the doctor or Charlie for steroids, why didn't I ask them when I got to Toronto? I wasn't even introduced to the doctor until I was injured.

Q. Yes, that is true. But you knew before  
20 you came to Toronto to train, did you not, that -- you'd heard whispers that some of the members of Mr. Francis' track team were on steroids?

A. Yes.

Q. Yes.

25 A. I had heard rumors, yes.



Q. Yes. And you heard rumors to the effect that they all use the same doctor?

A. No, I didn't know anything about the doctors they used before I came to Toronto.

5 Q. See, I put it to you that -- that you came to Toronto to get on this steroid bandwagon?

A. That's incorrect. As I said before, in '84 I was left off the team because of what I believed then and still believe was a political move and I  
10 thought -- and I discussed it with my coach many times, that the only way to make a team, if you're in second or third or fourth, unless you win decisively, is to be associated or train with Charlie. That's the decision I came to at that time.

15 Q. Did you ever tell Mr. Francis about that feeling?

A. I told Charlie that when they took me in '84, when they took me down to Los Angeles, I said to him that it wasn't fair and he said he wasn't the one that  
20 picked the team and all this. Like, he didn't pick the team.

But then I heard from another source that he was the one who picked the slower runner, right in the meeting room, a slower runner than I.

25 Q. You put that to him as well?





A. No, no. At that time I didn't hear that. I just said to him, like, why am I not here and he said that he didn't pick the team. That was in California.

5 Q. See, Mr. Francis may come back and Dr. Astaphan certainly will stand here and tell this Commission that you knew that you were getting steroids and that you requested it?

A. That is totally incorrect.

10 Q. Mr. Francis has put his whole reputation, his whole life, his whole career in jeopardy.

Dr. Astaphan is probably in greater jeopardy. Would those two men have any reason to lie against you?

15 A. I have no idea. But, I'm just saying if I wanted to go on a steroid program from the day one I went to Toronto, which was in January, why didn't someone come to me and say, look, we'll do this for you. It was when I got injured ---

20 THE COMMISSIONER: What is being put to you is that Dr. Astaphan said that because of your injury it was not appropriate time, isn't that what ---

MR. SOOKRAM: Yes.

25 THE COMMISSIONER: That's the explanation being given through counsel.



THE WITNESS: He didn't say that to me, no.

THE COMMISSIONER: I understand. I hear what you're saying.

5 MR. SOOKRAM:

Q. You told us that when you asked Dr. Astaphan -- I'm sorry to come back to this point, but I have to -- you told us when you asked Dr. Astaphan what it was you were getting, he told you it was to heal your leg.

10 And then you asked Mr. Francis and Mr. Francis told you it was to make you run faster.

And then you asked Ms. Thibedeau and she told you it was a growth hormone. Did you ever ask the doctor specifically whether or not it was a growth hormone?

15

A. No.

Q. Did you ask him specifically whether or not whatever he was giving you was going to make you run faster?

20 A. No.

Q. You see, I put it to you that you knew full well what it was, that you wanted to run faster. It was all in your mind, was it not?

A. To run faster, yes.

25 Q. Yes?



A. Yes.

Q. And you didn't really care how you -- what method you used to run faster, what aids you used, what people you used, is that right?

5

A. That's wrong.

Q. When you were injured at this track meet in February 1986, the doctor first, as you say, saw you for the first time, he didn't tell you to come back -- to go to his office the following day, did he?

10

A. He said come in during the week.

Q. During the week. And that -- by that week, you meant?

A. The following week, the Saturday or the Sunday, yes.

15

Q. He wasn't in any great hurry to see you?

A. I don't recall him telling me to come in on Monday but he said come in early during the week, during the week some time.

20

Q. During the next week?

A. Yes, the week coming up.

Q. He wasn't in a hurry for you to introduce you to these steroids?

A. I guess not.

25

Q. You were in a hurry to get introduced?



A. No.

Q. Now, you told us this morning that you couldn't remember whether or not the doctor took your full medical history from you before he started his treatment.  
5 The doctor will say otherwise.

Are you -- will you be able to tell us categorically now whether or not the doctor did not take your medical history?

A. I don't recall him going into my  
10 background, my medical background. Like, he didn't ask me about my heart or my blood pressure or anything like that, no, or anything.

Q. You just volunteered the fact that you have one leg slightly shorter than the other?

A. I didn't volunteer that. He thought  
15 that might be one thing that -- why I keep hurting my hamstring.

Q. Somebody else had told you that previously?

A. One chiropractor before had thought  
20 that as well, but then another chiropractor that I had seen before said no. So, I didn't -- I didn't know what to think. This was before I came to Toronto.

Q. How did you feel when the doctor was  
25 able to tell you something that you already knew about





that particular shortness of the leg?

A. I had heard from different  
chiropractors and doctors, like I said, like  
physiotherapists, before that something might have been  
5 shorter in one leg and some others said no, it's just the  
way you run.

Q. You've seen this doctor for the first  
time and he put his finger on the spot?

A. Yes. Yes, he said it could have been  
10 one leg shorter than the other and others had said that  
before.

Q. Do you think he was a good doctor  
during the few months you were with him?

A. What do you mean, a good doctor?

15 Q. Do you think he was a doctor who had  
your interests at heart?

A. Yes and no.

Q. The yes part; would you elaborate a  
little bit on that?

20 A. Well, I never totally -- like, while I  
was there for the six months, the five months, I never  
totally trusted any of the people or I didn't totally --  
like, have faith in exactly everyone that I was dealing  
with.

25 Q. Not with the athletes?



A. No.

Q. Not with the coach?

A. Like I said, the group was really tight -- the one group was tightknit and then I -- like, sometimes they would go out different places and I wouldn't go, type of thing.

Q. You got left out?

A. Not left out. But I just didn't feel totally, 100 per cent...

Q. Part of the group?

A. Yes, like a part of the group because I came in at, like, age 20, 21.

Q. That was one of the reasons you went back to Hamilton?

A. The reason why I went back to Hamilton ---

Q. That's one of the reasons?

A. That's one of the reasons, yes.

THE COMMISSIONER: I thought it was because you didn't want to be associated with the group because they were using steroids.

THE WITNESS: That is one of the reasons, as well.

THE COMMISSIONER: but, why I'm having trouble is you knew before you came to Toronto there was a



rumor that they were using steroids.

THE WITNESS: Yes.

THE COMMISSIONER: So when you got here you knew what group you were going to be with. You knew they were using steroids and now you say you left because they were using steroids. It's puzzling.

THE WITNESS: Well, I went to Toronto, like I said, because of what happened to me in '84.

THE COMMISSIONER: No, but you knew -- at least the rumor was that they were using steroids.

THE WITNESS: Yes.

THE COMMISSIONER: You knew that before you got there?

THE WITNESS: Yes, I heard a rumors, yes.

THE COMMISSIONER: And that was confirmed when? How early in your association was that confirmed? It wouldn't take long, would it?

THE WITNESS: No. When I was acquiring information about what it was that I can was being administered and I wasn't quite getting a clear-cut answer.

THE COMMISSIONER: You then realized what it was then, is that right?

THE WITNESS: Yes.

THE COMMISSIONER: That was in March?



THE WITNESS: Yes. And if I -- like I'm saying, if I would have stayed ---

THE COMMISSIONER: You continued then to take the injections for three more months or four more months; March, April, June and July?

THE WITNESS: To my best recollection, I took 7 or 8 shots from Dr. Astaphan. I don't know what month it went into, but in August at the Nationals or late July, was the last time I saw him -- was the last time ---

THE COMMISSIONER: That's over four months after you knew what you were taking.

THE WITNESS: Not so much that I knew because I wasn't sure they wouldn't exactly elaborate what it was.

THE COMMISSIONER: I just thought you said by that time you knew because you knew you were in ---

THE WITNESS: I had an idea.

THE COMMISSIONER: You were in a group with steroids users?

THE WITNESS: I was never told what was going on, no.

THE COMMISSIONER: I see. why would they withhold that from you, do you know?

THE WITNESS: Well, sometimes I think that I wasn't -- because I wasn't a part of the group, I





wasn't trusted totally. Like, I was trust but not 100 per cent.

5 THE COMMISSIONER: Could anybody trust you more than leave you in charge of the drug, the actual drugs themselves and telling you that they're available and help yourself? For a group that's very anxious to keep their secret within their small group, that's pretty trusting, isn't it?

10 THE WITNESS: Yes, but the thing is, they never told me what it was so I could say nothing to know one because I was never told specifically what they were.

THE COMMISSIONER: Well, it wasn't aspirin, it was buttermilk?

15 THE WITNESS: No, I knew that. I couldn't say Charlie told me it was steroids because he never did.

THE COMMISSIONER: Well -- but you knew they were drugs.

20 THE WITNESS: I'm not saying I'm naive enough not to know that it was -- I thought it was steroids in the drawer but....

THE COMMISSIONER: Well, you knew there was steroids in the drawer, you told us that.

THE WITNESS: Yes. I'm saying -- but, I'm not naive enough not to know that.

25 THE COMMISSIONER: Well, you are pretending



you are, so far?

THE WITNESS: No.

THE COMMISSIONER: All right.

THE WITNESS: I knew when he said ---

5 THE COMMISSIONER: Well, let's carry on Mr.  
Sookram?

MR. SOOKRAM:

10 Q. Thank you. Mr. Mowatt, I don't think  
that I need to remind you that in matters like these,  
whether it be a court or an inquiry, all of us have to  
rely on the fact that what somebody says on oath is the  
truth, the whole truth, the gospel truth.

15 You just told us the last time you saw Dr.  
Astaphan was in July of 1986, is that right?

A. The last time I received an injection  
from Dr. Astaphan was at the national championships.

Q. Had you seen him since?

A. Pardon me?

20 Q. Did you see him since?

A. I've seen him, yes, at the Olympics and  
over in Europe, yes.

Q. And he helped you with your training  
schedule in Japan?

25 A. Pardon me?



Q. And he helped you, you asked him for help in Japan?

A. Japan? I was sick to my stomach.

Q. And you asked him for help?

5 A. Yes.

Q. Yes. And you didn't trust him at all?

A. No, I didn't say I didn't trust him at all.

10 Q. You did tell us, you indicated that before you left, you didn't trust Mr. Francis, you didn't trust your teammates?

A. I said I didn't totally trust them.

15 Q. You didn't totally trust them. I find it difficult to deal with that one, totally trust. Someone is either pregnant or half pregnant. I don't know that it makes any difference.

When you say you don't totally trust, does it mean you trusted them 75 per cent, 25 per cent, 95 per cent?

20 A. When I was sick, I asked him for something to help my stomach. I didn't think he was going to give me -- like, I don't know, water. He had aspirins.

Q. Did he give you aspirin?

25 A. He gave me Diamenthol or something it's called. I don't remember what it's called.



Q. And you never used that before?

A. No, I don't think so.

Q. And you don't know whether it was a steroid?

5 A. No. I'm not a doctor.

Q. So, you did trust him after all, didn't you?

A. To help my stomach, yes.

Q. Now, in the spring of '86, you were at Mr. Francis' apartment, you told us you were there watching television, it was later established that you were actually living there. Even though it might, according to you, have been on a piece-meal basis.

10 You have the keys to the apartment, did you not?

15 A. When Charlie left for the weekend, yes, he gave me the keys.

Q. Is that the first time that Mr. Francis had left the keys with you?

20 A. Yes, I think so, yes.

THE COMMISSIONER: I thought you said you were on your own, you were living there about two months?

THE WITNESS: Pardon me.

25 THE COMMISSIONER: You said to Ms. Chown you were living there for two months or to Mr. McMurtry? Mr.





McMurtry put it longer. He said that you were three or four months, but you admitted two?

THE WITNESS: Yes, I lived there in between the two apartments.

5 THE COMMISSIONER: We'll hear more about that. How did you get in and out of the apartment without a key? Were you not given free access?

THE WITNESS: No, I would go in the apartment when Charlie -- I was usually either with Cheryl or with Charlie.

10 THE COMMISSIONER: I see.

MR. SOOKRAM:

Q. So, you never had the keys before that incident when Mr. Johnson came, according to you, in the premises?

15 A. I don't recall Charlie giving me keys before that. He gave me keys when he was going away and then I stayed there for, like, a week at a time and then he would give me keys then, after that period, when he came back.

20 Q. So you had keys before that date and on this date?

A. I think the first time I got keys was maybe three or four days before that incident happened

25



when Ben came over.

Q. Where did you live when you first came to Toronto in January 1986?

5 A. I lived at the Palisades in -- near York.

Q. For how long?

A. About -- maybe -- maybe two months, maybe a month and a half.

10 Q. During that time you used to visit Mr. Francis' place?

A. When -- no, not before I went -- I started visiting Charlie's place after I came back from Florida.

15 Q. And every time you went there, he was there?

A. After I returned from Florida you say?

Q. Yes?

A. No, not every time.

Q. But there were others there?

20 A. Besides Charlie, you mean, or me.

Q. No. When you went to visit Mr. Francis, he was not always there, was he?

A. No, I guess not.

Q. How did you get in the premises?

25 A. I can't really recall exactly what date



Charlie said, you know, you can come in and leave when you like or you can sleep here if you get into trouble.

Q. Did he do that to other people, as well?

5 A. Yes, there was lots of people that have stayed with Charlie.

Q. Had other people had keys, to your knowledge?

A. I don't know.

10 Q. When you went there and Mr. Francis wasn't there, other people let you in? They were already in there, were they not?

A. I don't recall anyone living there at that time.

15 Q. I'm not saying living. When you went, you knocked on the door, somebody opened it?

A. I can't recall. I don't remember. Like I said, I started going after we came back from Florida which was March and by then I started staying  
20 there.

Q. Yes?

A. Yes.

THE COMMISSIONER: Until when, until July? Until you left and went back to Hamilton.

25 THE WITNESS: No, it was -- I stayed there,



like I said, two months, off and on, and then I went to the other apartment. Like -- then I went to the other apartment about May, I think. I was mostly in the other apartment.

5                   MR. McMURTRY: What other apartment? Is that Cheryl's apartment?

                  MR. SOOKRAM: Yes.

                  MR. SOOKRAM:

10                  Q. What I'm concerned with is one fact, that there would be times when you went to Mr. Francis' place and he wasn't there?

                  A. Yes.

                  Q. And other people were in the apartment, 15 Mr. Francis' apartment?

                  A. Not that let me in because after that, he gave me -- after we came back he gave me keys.

                  Q. I appreciate that.

                  A. Yes.

20                  Q. You didn't get keys before, I accept that?

                  A. There were other people there, yes. Cheryl was there sometimes, yes.

                  Q. Apart from Cheryl?

25                  A. I don't know. Angella was there, the





odd time, morning.

Q. You didn't asked to be let in? You just knocked and Charlie wasn't there, so you went away?

5 A. Pardon me? I had keys at that time. I don't understand.

THE COMMISSIONER: No, he said after this weekend, he said the first time he got a key was this weekend, the weekend when he says Mr. Johnson came in. At that stage he did say he had a key.

10 THE WITNESS: Before the weekend, I didn't go over to Charlie's apartment.

MR. SOOKRAM:

Q. At all?

15 A. I don't recall, no. Before we came back from Florida.

Q. When you left his apartment, or let's take it that way, after you left his apartment and moved next door, you had occasion from time-to-time to visit his apartment, is that right?

20

A. Yes.

Q. And he was not always there, is that right?

A. Yes. This is after March, again, I'm saying.

25



Q. After you left?

A. Yes.

Q. You moved out in May?

A. Oh, okay, excuse me.

5 Q. You've gone back to his apartment to see him for some reason whatsoever and he wasn't there. You knocked. Did other people open the door?

A. No.

10 Q. When he was not there, nobody else occupied the premises?

A. Not that I can remember. Waldemar came a little bit after that, Matuszewski.

Q. Yes?

15 A. Yes, he stayed there while -- when I was out, he was there.

Q. I'm not talking about staying there, living there. I'm talking about visiting in Mr. Francis' absence?

20 A. No, I don't think so. I don't think anyone was there when Charlie wasn't there, that I can remember.

Q. Do you know of any person, apart from yourself, to whom Mr. Francis gave a key to his apartment?

25 A. No. There were people that have lived in Charlie's apartment.



Q. To your knowledge?

A. Yes. There's people that have lived there. Cheryl lived there before and a few other athletes that either came to Toronto and wanted to train or were in  
5 some kind of trouble, or whatever, Charlie would ---

Q. He was always giving his place to somebody in need, wasn't he?

A. If you had nowhere to stay, yes.

Q. Yes. You told us this morning that you  
10 were injured some time in June. 'Hurt my leg again'. Is that right?

A. Yes.

Q. Where did you hurt your leg?

A. At York University.

Q. York University. That was in the first  
15 week in June, was it not? Very, very early in the month?

A. Around June -- June sometime, yes. If I can recall, yes.

Q. And you went home to Hamilton for three  
20 or four days all together?

A. Yes, I was home in Hamilton for a time, yes. Three days, four days, a weekend.

Q. Were you at 27 days in June in Toronto or 26 days, to say the least?

25 A. Yes.



Q. The doctor's record which verifies for me, is that he did see you on 17 occasions?

A. Pardon me?

Q. The doctor's record, which he has  
5 verified, is that he did see you on 17 occasions. Now, you told Mr. McMurtry this morning that he might have seen you on as many as 10 occasions but not quite 17.

Now, I put it to you the doctor is saying he  
10 did see you on 17 occasions, that you could have been there with this hurt leg? You're not going to nurse it yourself, are you?

A. No.

Q. You could have been there for 17 times?

A. Not the way the OHIP records state; day  
15 after day after day after day after day, no.

20

25





Q. You might have missed a day in between?

A. There was, yes, there were days that I didn't go.

5 Q. But it is possible you saw him 17 times during that month?

A. Not that I recall. It's possible, yes.

MR. SOOKRAM: Yes, it is possible. Thank you. No further questions.

10 THE COMMISSIONER: All right. Mr. Futerman.

MR. FUTERMAN: Yes, Mr. Commissioner, as I advised counsel earlier, some of this information was given do me this morning for the first time. And it may not be necessary to cross-examine this witness, but I want  
15 to consider it tonight, and perhaps discuss it with Mr. Johnson.

THE COMMISSIONER: All right.

MR. FUTERMAN: Thank you.

20 THE COMMISSIONER: Can you come back briefly tomorrow morning?

THE WITNESS: Nine o'clock?

MR. FUTERMAN: Would it be any help, Mr. Commissioner, if I called Commission counsel this evening and advised whether it would be necessary for this witness  
25 to come back?



THE COMMISSIONER: Because I think there may be -- could you come back tomorrow morning for a short time?

THE WITNESS: Yes.

5 THE COMMISSIONER: All right. Then we will adjourn your final part of your examination until tomorrow morning at 10 o'clock.

THE WITNESS: 10 o'clock.

10 THE COMMISSIONER: Yes, be back at that time, I don't think you will be very long. Tomorrow morning at 10.

Mr. Armstrong, can we any -- use to put in the rest today or would you think it proper now to adjourn until 10 o'clock tomorrow. Just a moment, Mr. Mowatt.

15 Ms. Chown has some further examination, I gather. Do you want to do that today or tomorrow?

MR. ARMSTRONG: We could do one or two things, or perhaps both, we are in your hands. I am sorry, I will come over to the microphone.

20 Ms. Chown has some further questions of Mr. Mowatt and she could ask those questions, but I assume they won't take us until four o'clock.

MS. CHOWN: I wouldn't think so.

25 THE COMMISSIONER: I think it would be more appropriate, though, if Mr. Futerman has any further



questions, I think he should go first.

MR. ARMSTRONG: Go first, all right.

Well, then, the only other thing that we could do in order not to lose the time between now and four o'clock is to introduce Mr. Earl and put in the first part of his evidence.

THE COMMISSIONER: Well, let's start his evidence and just sort of general background perhaps then we can adjourn until tomorrow morning. Let's start his evidence.

MR. ARMSTRONG: All right.

THE COMMISSIONER: Let's take five minutes until we are ready for the next witness.

--- SHORT RECESS.

--- Upon resuming.

THE COMMISSIONER: Mr. Armstrong.

MR. ARMSTRONG: I am just looking for Mr. Earl's counsel, first of all. I announced that the next witness is Mr. Ross Earl and -- oh, I am sorry, why don't you sit over here. Mr. Robert Sullian is counsel to Mr. Earl.

THE COMMISSIONER: Thank you, Mr. Sullian.



ROSS STANLEY ARNOLD EARL: Sworn.

--- EXAMINATION BY MR. ARMSTRONG:

5 THE COMMISSIONER: Thank you. We will give  
the photographers a minute. I think we are all set.  
Those minutes are getting shorter, but you are getting  
faster.

MR. ARMSTRONG: All right.

10 THE COMMISSIONER: All right. Mr.  
Armstrong.

MR. ARMSTRONG: Thank you, Mr.  
Commissioner.

MR. ARMSTRONG:

15 Q. Mr. Earl, I wanted to cover a little  
bit of your background with you first.

I understand that you were born and raised  
in Huntsville, Ontario?

A. Yes.

20 Q. You attended high school in Huntsville  
and graduated in 1959, and then went up to North Bay to  
attend teachers college where you graduated with your  
teachers certificate in 1961?

A. Yes.

25 Q. And in September, 1961, you joined the





Scarborough Board of Education, where you have been employed ever since as a teacher?

A. That's correct.

Q. And just reviewing your pedagogical career, you first of all were a special ed. teacher, special education teacher at Buchanan Public School?

A. That's what I am now.

Q. That's what you are now, sorry, I am reading my notes backwards.

THE COMMISSIONER: Where is that now, Mr. Earl, please?

THE WITNESS: That's in Scarborough.

THE COMMISSIONER: What's the name of the school, please?

THE WITNESS: Buchanan Public School.

THE COMMISSIONER: Thank you.

MR. ARMSTRONG:

Q. And prior to your special education experience, you taught science and physical education for a number of years at -- was it at the same school?

A. No, it was at a school called Tecumseh for about 16 years, 17 years.

Q. And then prior to that, your first eight years were teaching regular grades as what we used



to call in my day as a homeroom teacher in grades 5 to 8;  
is that right?

A. Yes.

THE COMMISSIONER: What kind of teacher was  
5 that?

MR. ARMSTRONG: Homeroom teacher, but you  
probably had fancier schools and fancier names than that  
in Hamilton.

THE COMMISSIONER: Exactly.

10 MR. ARMSTRONG: Down in the Ottawa Valley,  
we had homeroom teachers and they knew everything.

THE COMMISSIONER: We didn't learn much  
from them.

15 MR. ARMSTRONG: I was the exception that  
proved the rule.

MR. ARMSTRONG:

20 Q. All right. Then, Mr. Earl, you indeed  
became involved yourself as a track and field athlete in  
Huntsville where you ran in the half mile, quarter mile,  
and mile; am I right?

A. Yes, that's correct.

25 Q. All right. And then when you came to  
Toronto and took up your teaching career, you became  
involved with track and field at the club level; is that



so?

A. Yes.

Q. And first of all, you became associated with a club called the East York Mercury Track Club.

5 Could you just tell the Commissioner just a little bit about that, because it really is the genesis in a sense of a lot of things that we have heard about in this hearing so far.

A. Well, I didn't know too much about  
10 track and field in the city of Toronto, and I had several athletes at the school that I was teaching at, at Crerar at the time, and I heard that there was a club called the East York Mercuries. And I took the kids in my car down to meet the lady, Jessie Lightwood, at this club. And  
15 following that, we would go down two or three times a week and train with her. And we joined the group, and we were called the East York Mercuries Club from that time until 1967.

Q. And I understand that when your group  
20 first joined the East York Mercuries Track Club and you entered in your very first meet, one of your team members set an Ontario record and you won something like 37 trophies or 37 first-place finishes in that meet?

A. Yes, we put the group together in the  
25 fall and we had done a lot of condition running through



the fall and the winter and circuit training, and when we came out in the spring, the kids just did extremely well in their very first meet and most of them were hooked into sport. They liked something they could do well.

5 THE COMMISSIONER: What year would that be?

THE WITNESS: That would be the spring of '62.

THE COMMISSIONER: Thank you.

10 MR. ARMSTRONG:

Q. All right. Now --

THE COMMISSIONER: Were you a coach at that time, too, or did you --

15 THE WITNESS: No, I was coaching at that time, yes.

THE COMMISSIONER: You were coaching?

THE WITNESS: Yes.

MR. ARMSTRONG:

20 Q. All right. Were you then affiliated and the group of young people who were working under you, affiliated with the East York Mercury Track Club then until 1967 or thereabouts?

A. Yes.

25 Q. Then in 1967 a change took place, and





could you just take a moment and tell the Commissioner what happened there, please?

5           A.    Well, our group had grown fairly large so that it was becoming increasingly difficult to get funds. You had a club with an East York name, and you had most of the athletes that by this time were coming out of my school, most of the athletes were from Scarborough. And the Scarborough people weren't too interested in, you know, helping a club with an East York name. And the East  
10   York groups were not interested in helping a club that was mostly Scarborough athletes.

          And the vice principal of my school at the time told me that I should meet with the president of the Optimist Club of Scarborough, that their purpose was to  
15   help youth and I certainly looked like I had a program that would be beneficial to youth, and they may consider helping us.

          I went to a meeting with the president of the Scarborough Optimist Track -- or Scarborough Optimist  
20   Club and some of their executive directors. They liked what I had to say. And they said that they would sponsor the club under the conditions that we allowed anybody that wanted to compete in track to join it, as long as we didn't make it an exclusive group.

25           Q.    You then, I assume, changed the name of



your club at that point in time, did you?

A. We registered the Scarborough Optimist Track and Field Club, and we got uniforms, and we were off to the races.

5 Q. Literally?

A. Literally.

Q. All right. And the name, the Scarborough Optimist Track and Field Club you say was registered at that time, do you mean registered with the Ontario Track and Field Association?

10

A. Yes.

15

Q. All right. And can you recall now in that first year what the extent of the financial sponsorship was of the Scarborough Optimist Track and Field Club by the Scarborough Optimist Club?

A. I believe it was in the area of \$4,000.00.

20

Q. All right. And I assume by 1967 dollars, that was a reasonable sum of money at that time?

A. Yes, that was.

Q. All right.

THE COMMISSIONER: What facilities did you have, though, for your training?

25

THE WITNESS: We just -- we used the Board of Education facilities, the ones actually right behind



the school where I taught, Winston Churchill.

THE COMMISSIONER: Was there a track there at all?

5 THE WITNESS: There was a track, it was a crushed stone track. And the kids all lived fairly close by. And we used that track. And during the winters we would meet in cars in their parking lot, and we would do runs around the -- we called them blocks, but they were city blocks. If you ran Birchmount, Ellesmere, Kennedy,  
10 abd Lawrence, you had a three-mile run. And if you went, you know, one block east each time you could lengthen it to four, five, six. So we would meet, we would decide how far each athlete was going to run, and we would run.

15 THE COMMISSIONER: Okay.

MR. ARMSTRONG:

Q. This was your winter training program?

A. This would be our winter training program. It was outside in the snow.

20 Q. Presumably you would do that because the streets were reasonably clear to run in, and I suppose the track for a good part of the winter might be covered in snow, is that it?

A. Yes.

25 Q. All right. Then at that early stage,



back in about 1967, did you suppliment the sponsorship that you got from the Scarborough Optimist Club by undertaking various schemes yourselves as club members?

5           A.    We had done bottle drives, we had chocolate bar sales, we did 50-50 draws, we did everything that you could imagine to, you know, make nickles and dimes and bits of money.

          The Optimist club had always said that they wanted us to stand on our feet as quickly as we could.

10           THE COMMISSIONER:   Were you the coach at this time, too?

          THE WITNESS:   Yes, I was the coach at this time.

15           MR. ARMSTRONG:

          Q.    And what was the age range by 1967 of the young people who were members of the club?

          A.    They would go probably from eight years old to about 17.

20           Q.    And about how many members in 1967 were there in your club?

          A.    There was a big growth in '67.  When the Optimists started sponsoring us, we had had about 25 to 30 members.  By the time the first year had finished, 25 we were over the 100.  By the time the second year had







finished, we were about 250. And after four years, we were close to 700.

Q. Just going back if I can to the first year or two of the sponsorship by the Scarborough Optimist Club, we have heard in the evidence I think from more than one witness and certainly from Mr. Francis that you were instrumental in raising money through bingos; is that so?

A. Yes. After the Optimist Club gave us a bit of a sponsorship, I went and worked with them. They had a bingo at the Whiteshield Plaza every second Tuesday, I believe.

Q. This would be a bingo to raise money for the general club's --

A. For the Optimist Club.

Q. -- operation?

A. So we were actually helping raise the money some of which would come back to help us, but they had a bingo every second Tuesday.

Now, the Tuesdays in between, there was a group called the Bendale Lions had that bingo and it was failing. They were losing money. They were having a lot of problems and they were thinking of giving it up.

At that time, we approached the Scarborough Optimist Club and asked if they would help us to maybe take over that bingo and see if we could make a success of



it. And they did. We took it over. And we were successful.

Q. And those bingos every other Tuesday ran to support the track and field program for a number of years, I understand?

A. Yes, yes, they supported the track and field program probably for about five years. And then the bingo laws changed slightly so that we were able to have every Tuesday. I believe the Optimist Club dropped out of their bingo commitment, and we were able to pick up every Tuesday.

Q. All right. Now, in addition, Mr. Earl, to being one of the coaches of the Scarborough Optimist Track and Field Club, you also became its first president, and you were its president for the first two or three years. And then there was an interval for a few years of alternating presidents.

A. Chief cook and bottle washer, and then later I was bottle washer.

Q. And then after about three years, I think people decided that you were going to be the president for keeps, and, you, in effect, really became the perpetual president of the Scarborough Optimist Track and Field club; is that not so?

A. Yes, for as long as that club was in



existence.

MR. ARMSTRONG: All right. Mr.

Commissioner, there is quite a complicated history to what happens and where the Scarborough Optimist Track and Field Club goes, and we will get to that perhaps before we break for the day, but we will come back to that comment.

MR. ARMSTRONG:

Q. Then just looking at the history of the -- the early history of the club, and how it was actually doing on the competitive front.

By 1972, if we can take 1972 as an Olympic year, is it reasonable to say, and I suspect you will agree with me when I say this, that it was really by '72 recognized as the strongest track and field club in Canada?

A. Yes. We had our first two people make the Olympic team in '72, and we showed strength in almost all the events across the board.

Q. All right. And your first two members of the Olympic team in Munich, were Bruce Simpson, the pole vaulter, who finished fifth in the '72 Olympics?

A. Yes.

Q. Then you had a hurdler by the name of Rick MacDonald?



A. Yes.

Q. Then from 1972 forward, looking to the Olympic games in Montreal in 1976, the team, I assume, or the club, just got stronger at all levels?

5 A. Yes. We had 18 members in Montreal in '76 which was --

THE COMMISSIONER: Eighteen, you say?

THE WITNESS: Eighteen. It was approximately one-third of the Canadian team.

10

MR. ARMSTRONG:

Q. Of the entire Canadian Olympic track and field team?

A. Yes.

15

THE COMMISSIONER: Track and field.

MR. ARMSTRONG:

20

Q. Just looking at where some of your members were located in particular events, you had three of four members on the men's 4 X 4 relay team. You had all of your members formed the women's 4 X 4 relay team. You had three of four of your members on the men's 4 X 100 relay team. You had representation in the shot put, discus, long jump, and some other events, I believe?

25

A. Yes, we did.







Q. All right. Now by 1976, had an individual by the name of Peter Cross become associated with the club as its sprint coach?

5 A. Yes. Peter became associated with us probably about 1973 or 4. So, he was well established by '76 with us.

Q. Now, we have had heard through the evidence of Mr. Francis that it was Mr. Cross who first invited Charlie Francis to join the -- I was going to say  
10 coaching staff, that may be too grand a description, but the coaching contingent of --

A. Come coach for free.

THE COMMISSIONER: I am sorry, I didn't hear what you said.

15 THE WITNESS: I said Come and coach for free.

MR. ARMSTRONG:

Q. Right okay. In any event do you recall  
20 that indeed, I assume you do, that Charlie Francis in about 1977 joined Peter Cross as one of the sprint coaches?

A. Yes.

Q. And at that stage, if you can remember,  
25 about how many coaches were associated with the



Scarborough Optimist Track and Field Club?

A. Probably about 16 or 18.

Q. And I take it they were all volunteers at that point?

5 A. They were all volunteers at that time.

Q. Then looking at the period leading up to the 1980 Olympics, which, of course, Canada eventually did not attend, but on an analysis of where your club was competitively, you were clearly by the late seventies I  
10 take it the strongest club in Canada in sprinting; is that so?

A. Yes in.

Q. And, indeed, in a number of other events, the Scarborough Optimist Track and Field Club  
15 provided through its membership pretty much the leading athletes in --

A. Jumping and in throwing.

Q. -- jumping, both high jump, long jump?

A. Triple jump.

20 Q. Pole vault, triple jump, all of them?

A. Yes.

Q. What about some of the other events?

A. In the distance areas, we had marathon runners but we were not terrible strong in the mile  
25 through the 10,000 meter, you know, through the middle



distance to the distance area.

THE COMMISSIONER: But strong in the sprints, 100 meters?

THE WITNESS: Very strong in the sprints.  
5 And we had excellent jumpers and throwers.

MR. ARMSTRONG: All right.

THE COMMISSIONER: When does a sprint stop being a sprint? In other words, is an 800 meters a sprint?

10 THE WITNES: It depends. When I started, a sprint was 100, now a sprint is a 4.

THE COMMISSIONER: Up to 4?

THE WITNESS: I like to think that a sprint, you know, goes to --

15 THE COMMISSIONER: 800 would not be a sprint **any more**, though? 800 would not be a sprint?

THE WITNESS: Some people would debate that with you. I wouldn't count it as a sprint.

THE COMMISSIONER: All right. Thank you.

20 MR. ARMSTRONG: All right.

THE COMMISSIONER: One, two and four then.

MR. ARMSTRONG:

25 Q. And, indeed, you said you were very strong among the throwers, but would it be fair to say



that again the Scarborough athletes dominated the throwing events in Canada by '78 to '80?

THE COMMISSIONER: I am sorry, you dropped your voice. What was the question?

5

MR. ARMSTRONG:

Q. Would it be fair to say that the Scarborough athletes dominated the throwing events in Canada in the latter part of the 1970's leading up to the '80 Olympics?

10

A. Yes, we often had maybe six of the top seven throwers in the discus and the shot. The javelin we only had one or two people involved in javelin.

Q. All right. Okay. And then in 1980, although you didn't attend, or Canada didn't attend the Moscow games, 21 members of your club made the Canadian Olympic team?

15

A. We had 21 people named to -- it was more like a mock team. That was a team that went down and competed in the States, I think, in a competition or two, because they didn't go to the Olympics games in Moscow.

20

Q. All right. Yes, and indeed through the course of the evidence we heard that there were some alternative competitions to the 1980 Olympics, one in particular was in Stuttgart, West Germany, another was in

25







Philadelphia. And I suppose those would be events that your members attended?

A. Yes.

Q. And you would have 21 on Canada's team?

5

A. For those games.

Q. For those meets. All right. And then, Mr. Ross, looking at the '84 Olympics, you had 23 members of the -- I am not sure what the name was, we are going to go through the names in a moment of your --

10

A. Of the club.

Q. -- organization because they changed, but of whatever the name of the club was at that point in 1984, 23 members were on the Canadian Olympic team that competed in Los Angeles?

15

THE COMMISSIONER: In L.A.

THE WITNESS: Yes.

MR. ARMSTRONG:

20

Q. All right. Again just to kind of complete the historical background overview, you retired from an active position with the association in 1986; is that correct?

25

A. I retired from the active track and field portion because I didn't wish to have an association with the CTFA or the OTFA. I had run into many snags



there and I was fed up.

Q. I just want to take a moment to go through, if I may have your patience, the structure --

THE COMMISSIONER: You don't have to plead  
5 for my patience. There is nobody more patient than me.

MR. ARMSTRONG: Well, I have made the mistake before of commenting on that, so I won't again.

THE COMMISSIONER: Go ahead.

10 MR. ARMSTRONG:

Q. Okay. It is fairly complicated, the structure --

THE COMMISSIONER: Is it complicated or are you making complicated?

15 MR. ARMSTRONG: I suspect, like everything else, I am making it complicated.

THE COMMISSIONER: Let's get on with it, please.

20 MR. ARMSTRONG:

Q. All right. Now to give us if we can the organization chart, you have told us you start out in the early sixties, indeed, I guess 1961 with the East York Mercury Track and Field Club. You then in 1967 through  
25 the assistance and sponsorship of the Scarborough Optimist



Club, become the Scarborough Optimist Track and Field Club. And then in 1977, there is a rather interesting name change. Can you tell us about that?

5           A.    We had a difference of opinion with the Ontario Track and Field Association. And the difference of opinion went far enough as to us taking them to court. And they would not allow us to use the name Scarborough Optimist Track and Field Association -- or Track and Field Club. And we registered ourselves as the Uxbridge  
10           Optimist Track and Field Club. There was an Uxbridge Optimist club, there was a small track club up there, and I approached the coach and asked them if we could use his club name for our registration in order that our athletes would be able to compete that year.

15           I wasn't ready to concede to the OTFA, and I also didn't want to jeopardize my athletes' opportunity to compete and, you know, make teams.

          Q.    All right. So then for a period of about a year, you formally became the Uxbridge Optimist  
20           Track and Field Club?

          A.    Yes. And during that year Uxbridge was very successful. They had 118 athletes at Sherbrooke and they they won 14 Canadian championships that year.

          THE COMMISSIONER:   Well, "we won", you were  
25           still part of it, weren't you?



THE WITNESS: Yes.

MR. ARMSTRONG:

Q. That's right. I am glad they did well  
5 in track and field, because they had some pretty lousy  
tennis players up there in those years, but that's another  
story.

We are then in 1978, the name changes again.  
Can you just take a moment and tell us about that, please?

10 A. Well, we went back and applied at the  
end of the year, at the beginning of next year, for the  
Scarborough Optimist Track and Field Club name again, and  
they told us that it was a club that was in poor standing  
and that that name could not be used until the problems  
15 were ironed out.

THE COMMISSIONER: Who are they?

THE WITNESS: This was the president of the  
Ontario Track and Field Association and Cecil Smith.

THE COMMISSIONER: I mean "they" is the  
20 Ontario Track and Field Association?

THE WITNESS: Yes, the Ontario Track and  
Field Association.

MR. ARMSTRONG:

25 Q. All right.







A. So, we applied under the name Scarborough Optimist Sports Association, and it was a different name and they accepted that.

Q. All right. And so the organization then I take it went along for several years under the formal name Scarborough Optimist Sports Association?

A. Yes, until 1983, I believe.

Q. All right. Then what happened in 1983?

A. In 1983, well starting in '82, there was a push from the Canadian Track and Field Association to create some strong track and field centres in Canada. And they told me that the club system had been a total failure and that the only way that they felt they could develop good athletes would be through the university system, and that my club would have to join a university, and that there would be one strong university set up in the University of Toronto, and that we would have to join York University in order to be eligible for the types of funding that would be available from the Canadian Track and Field Association to coaches and athletes that were interested in progressing in sport.

Q. And, so, indeed, did that happen?

A. The first time it didn't, because the administration set up that they presented me had a Board of Directors of seven people of which I was one and I was



responsible for fund raising. And the other six members were all York University people.

Q. All right. So, you rejected that proposal, I take it?

5 A. I said I refuse.

Q. Was there then answer counter proposal that you did accept?

A. About a year later there became an opportunity to get money to -- from CTFA to have a paid person run some of the larger clubs. And we attempted to get some of this money. And we were told, no, that we couldn't have it unless we joined York University and were part of a university structure.

10

And we went back and talked to Stu Roblin who happened to be at York at the time. And an agreement was eventually made so that the club called the York University Athletic Club -- York University Optimist Athletic Club came in existence. And that was the upper half or the athletes from about aged 16 up from the Scarborough Optimist Sports Association with an amalgamation with the university.

15

20

Q. Was the cut off for the York University Optimist Athletic Club simply an age requirement or did it have something to do with your competitive standing?

25 A. I think most of our bantams and midgets



came from Scarborough, so we wanted to keep that part the same. And I don't think there was a great deal of interest in having the younger kids train at the center at York. It was more tuned in for the elite athlete and the older athletes.

Q. All right. So, then if we have the picture here, what happens in 1984 is the kids 16 and above and looking towards performing at the elite level, become associated with this association called the York University Optimist Athletic Club, while your younger group of youngsters 15 and under are still competing under the auspices of the Scarborough Optimist --

A. Sports Association.

Q. -- Sports Association. All right. Then there is yet I take it a further change that takes place in 1986 and I think that's when you finally bow out. I am sorry, am I getting ahead of myself?

A. No, at this time, because the amalgamation was made with York, we were supplied an executive director --

Q. I am sorry.

A. -- to the track club by the name of Mike Dixon. And he took over most of the control of the operation and the organization of the club, with the exception of the fund raising which I was an expert --





THE COMMISSIONER: That had previous been your responsibility? He took over your responsibilities for the --

THE WITNESS: Yes.

5 THE COMMISSIONER: And authority, too, I guess?

THE WITNESS: Yes, except that by raising the funds, I did have ascertain amount of control.

THE COMMISSIONER: I see.

10 MR. ARMSTRONG:  
Q. All right. So, I am sorry, I did jump ahead. The earlier proposal made the year or two before was a proposal to have seven directors. How did this organization end up from a director's point of view?

15 A. It was basically run through three people: myself, Stu Roblins and Mike Dixon.

Q. All right. The three of you were Directors?

20 A. I believe Mike was called an Executive Director, and we just held meetings, you know, on general direction of things. I don't know that we were ever labeled that as directors or not.

25 Q. I see. Now Dixon was it appears the chief operating officer, you were the chief financial





officer, what was the position of Mr. Robinson?

A. Roblins? He was just the representative from York University. He just kept telling us what York would and would not allow us to do.

5 Q. I see. And then am I ready to take you to 1986?

A. Yes.

10 Q. So, we have got the organization set then between 1984 and 1986. And then a further change, as I understand it, takes place in 1986?

A. Yes. A lot of the promises or suggestions of possible fundings for various programs that would come if we became a strong center, didn't materialize.

15 Q. Did not materialize?

A. They did not materialize. They materialized for the sprint section and for Charlie, but they did not materialize for any of the other sections of the club.

20 Q. Could I just stop you there. Do you mean funding through the CTFA or through other sources?

A. Basically funding through the CTFA for the throwers and for, you know, the jumpers and the hurdlers. And we had quality people there.

25 Q. Yes.



A. They just never seemed to make the grade quite far enough to get, you know, the eye.

Q. All right.

A. So, at the end of '86 when a number of things were not happening that, you know, we felt were supposed to happen, I asked for a meeting with the president of Canadian Track and Field Association to discuss, you know, the happenings of the preceding two years. And we had this meeting. He listened to the problems that I was having, and went home and a letter was written back and it said my concept of a turkey for every pot was nice, but they felt it wasn't appropriate at the time, and they were disappointed that I was leaving the sport.



THE COMMISSIONER: Disappointed, I'm sorry?

THE WITNESS: They were disappointed that I was leaving the sport and that was the end of it.

THE COMMISSIONER: That was what year, '86.

5

THE WITNESS: That was in '86.

MR. ARMSTRONG:

Q. I see. Was this letter in which you set out your concerns, did it also contain your resignation?

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A. It said that, you know, if certain things were not done that I would be forced to, you know, drop out of the active participation at the Ontario and the National level.

15

Q. And to whom was your letter addressed?

A. It was addressed to the president of the Canadian Track and Field Association.

MR. ARMSTRONG: All right.

20

THE COMMISSIONER: Well, perhaps that would be a good place to adjourn until tomorrow.

MR. ARMSTRONG: Right.

THE COMMISSIONER: So shortly after ten o'clock, Mr. Earl. Tomorrow morning, ten o'clock?

THE WITNESS: Okay.

25

MR. ARMSTRONG: Could I just interject



there, if I may, just so that we all know, I assume that we're going to proceed with ---

THE COMMISSIONER: Mr. Mowatt.

MR. ARMSTRONG: Mr. Mowatt?

5 THE COMMISSIONER: We'll finish his examination and then you'll proceed again with Mr. Earl. Is that satisfactory?

MR. ARMSTRONG: Yes, it is satisfactory to us. Mr. Earl has a personal problem at eleven o'clock  
10 tomorrow morning. We may have another witness to follow right after Mr. Mowatt.

THE COMMISSIONER: I'm sorry. Tomorrow morning is not convenient for you, Mr. Earl?

THE WITNESS: I'd like to attend the  
15 funeral of Charlie Francis' mother.

THE COMMISSIONER: Yes, indeed. Well then, tomorrow afternoon?

MR. ARMSTRONG: I think we can work things out in such a way that ---

20 THE COMMISSIONER: Are you suggesting tomorrow afternoon for the witness?

MR. ARMSTRONG: Well, I'm suggesting twelve o'clock.

THE COMMISSIONER: Will that be satisfactory  
25 or is that too tight?





THE WITNESS: The funeral is at eleven.  
I'll try my best to be here by then.

MR. ARMSTRONG: We'll work it out in any  
event. I assume we're starting with Mr. Mowatt in any  
5 event.

THE COMMISSIONER: All right. Tomorrow  
morning at ten o'clock for Mr. Mowatt anyway.

---Whereupon the proceedings are adjourned to resume at  
10 ten o'clock, April 6, 1989.

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